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ABSTRACT

The resource guide on developing and/or refining extended school year (ESY) services is intended for local educational agencies in the State of Washington. Part II of the guide provides detailed information on legal and funding considerations, suggestions for determining service needs, and specific service delivery options. Section I discusses legal and funding considerations in a question and answer format. Sample questions include: How do Existing Statutes and Guidelines Relate to ESY? What Do the Courts Suggest Regarding Which Students Need an Extended School Year? A review of various funding resources available is also provided. Section II describes steps necessary for the multidisciplinary team/individualized education program committee to determine whether a student needs an extended school year. The third section describes options for service delivery. Components necessary for developing a service delivery model include providing inservice for staff, analyzing student needs, developing staffing plans, and notifying appropriate personnel and parents. Over half the document consists of appendixes including a review of the literature, sample data collection forms, sample Individualized Education Program forms, a review of the Iowa ESY Pilot Study, results of a survey of State Special Education Departments, and a 1983 summary of local extended school year programs and practices. (DB)

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The Extended School Year Resource Guide: Part II

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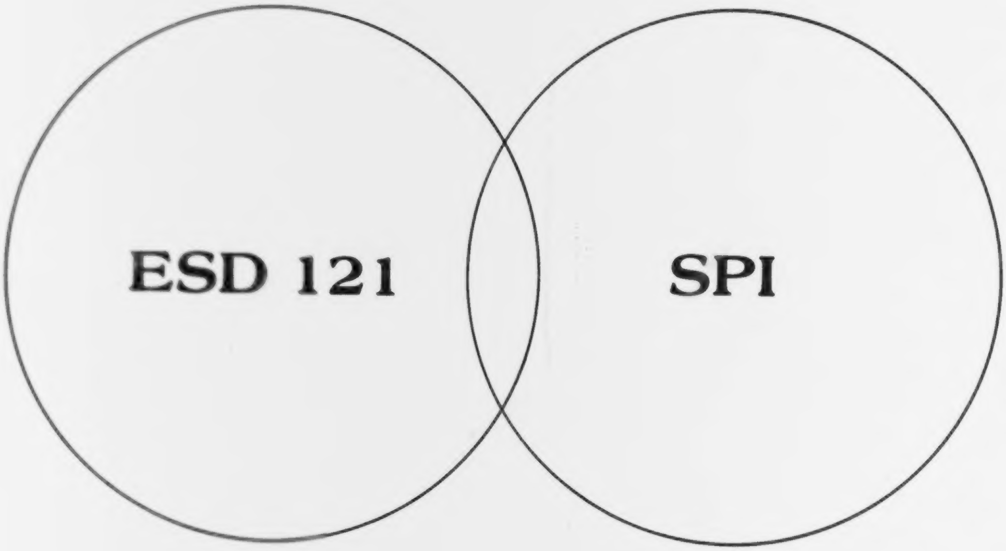

Developed by ESD 121 in
cooperation with SPI

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In an effort to provide local education agencies with additional clarification of the extended school year (ESY) concept, Educational Service District #121, in cooperation with the Division of Special Services, Office of Superintendent of Public Instruction (SPI), has developed The Extended School Year Resource Guide: Part II. Part II reviews the legal background related to the extended school year, provides suggestions for determining individual need for an extended school year, and discusses service delivery options.

The statewide dissemination of ESY information and possible implementation procedures is designed to assist local education agencies in developing ESY special education services. Comments pertaining to information, format, and utility of the guide are encouraged.

If you have any questions related to this guide, please call ESD #121, Special Services Department at (206) 242-9400.

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THE EXTENDED SCHOOL YEAR RESOURCE GUIDE: PART II

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THE EXTENDED SCHOOL YEAR
RESOURCE GUIDE: PART II

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REFERENCES

INTRODUCTION

The idea of an extended school year (ESY) for special education students has received a great deal of attention in Washington State during the past year. Emphasis on the extended school year resulted from a January 1981 Office for Civil Rights complaint filed against Seattle Public Schools and the Superintendent of Public Instruction. The complaint was resolved through the signing of a Memorandum of Agreement by the three agencies (see The Extended School Year Resource Guide: Part I). Since signing the agreement, the State of Washington has clarified the Washington Administrative Code to further define provisions for extending the school year for identified special education students.

Key factors in the ESY concept are identifying and providing services to eligible special education students within the legal foundations provided by The Education for All Handicapped Act (EHA), PL 94-142 and the 1983 amended version of Section 504 of the 1973 Rehabilition Act. The purpose of The Extended School Year Resource Guide: Part II is to provide detailed information on legal and funding considerations, suggestions for determining need for services, and specific service delivery options.

The Extended School Year Resource Guide: Part I offered an overview of ESY, an implementation checklist, a listing of district responsibilities, and a detailed review of one district's initial ESY implementation efforts. School district representatives from across the state were requested to evaluate Part I and offer suggestions about concerns that should be addressed in Part II. Those suggestions helped in developing the content for Part II.

This resource guide is divided into three sections:

> Section I presents a review and discussion of the legal issues and funding considerations concerning the extended school year.
>
> Section II describes steps necessary for the multidisciplinary team/individualized education program committee to determine whether a student needs an extended school year.
>
> Section III describes considerations and options for service delivery.

The manual concludes with several useful appendices and a reference list.

As districts prepare to implement the recently clarified rules and regulations pertaining to ESY, it will be important to provide inservice for staff on guidelines for determining need and services through the MDT/IEP process, as well as district policies and procedures concerning an extended school year. As required by WAC 392-171-731, the Superintendent of Public Instruction periodically monitors all local school districts within the state. It is anticipated the monitoring will address the following areas regarding ESY:

1. District policy -- Written policy must not include any impediments to the provision of services beyond the 180-day school year.

2. District procedures -- Procedures must ensure compliance with requirements specified in WAC 392-171-351,-366,-461.

3. Procedural safeguards -- The procedural safeguards and legal rights extended to parents throughout the special education process include ESY.

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SECTION I

LEGAL AND FUNDING CONSIDERATIONS RELATING TO THE EXTENDED SCHOOL YEAR

LEGAL AND FUNDING CONSIDERATIONS RELATING TO THE EXTENDED SCHOOL YEAR

LEGAL CONSIDERATIONS

As required by Washington Administrative Code (WAC) Chapter 392-171, local school districts across the state are responding to a Superintendent of Public Instruction clarification, required by the Office for Civil Rights Memorandum of Agreement, regarding the concept of extended school year services (ESY). During the 1984-85 school year, the multidisciplinary team (MDT) will individually consider all special education students' need for extended school year services. In subsequent years, the individualized education program (IEP) committee must consider a student's need for ESY at the time of the annual IEP review. At that time the IEP committee may request the multidisciplinary team to review/assess a student's progress toward goals and objectives and provide a recommendation regarding need for extended programming. For those students being assessed/reassessed according to WAC 392-171-311, the MDT must address the need for ESY services during the assessment/reassessment process and document its recommendation in the summary analysis.

In order to facilitate responsive and responsible planning of ESY activities it is important for districts to analyze the legal parameters of existing statutes, review pertinent litigation, and raise questions regarding possible analysis of unresolved issues. While educators may look to the courts for some guidance, it should be noted that to date the courts have dealt primarily with procedural concerns and have declined to rule in the area of pedagogical issues. A prime example of this preference is seen in the Supreme Court ruling in Board of Education of the Hendrick Hudson Central School District V. Rowley, 458 U.S. 176, 181 (1982) where the court referred to the procedural mechanisms within the Education for All Handicapped Act (EHA), Public Law 94-142 as the means to assuring a free and apropriate public education (FAPE).

Prior to the passage of the federal legislation, Public Law 94-142, Washington State passed House Bill 90 and defined appropriate in Chapter 28A.13 RCW as

> ...an education directed to the unique needs, abilities, and limitations of handicapped children.

To date Washington's definition has not been the focus of litigation. Therefore it would be speculative at present to presume that the State intended any particular standard relative to the term appropriate.

There are a number of questions which districts may wish to consider prior to the final development of a process for determination of student needs and provision of ESY services.

- How do existing statutes and guidelines relate to ESY?
- How does educational benefit correlate with reasonable progress toward IEP goals and objectives?
- What effect does the Supreme Court's standard of "appropriate," contained in the Rowley decision, have on ESY?
- What do the courts suggest regarding which students need an ESY?

o How Do Existing Statutes and Guidelines Relate to ESY?

In 1975 Congress sought through the EHA to assure handicapped children the right to a public education. Analysis of the Act and the rules and regulations developed for its implementation indicates two major goals. These goals were incorporated in a procedural scheme designed to protect the rights of handicapped students and their parents. The first of these goals is the right of handicapped students to a free and appropriate public education (FAPE) defined as

> Special education and related services which (A) have been provided at public expense; under public supervision and direction, and without charge; (B) meet the standards of the State Education Agency; (C) include an appropriate preschool, elementary and secondary school education in the State involved; and (D) are provided in conformity with the individualized education program (IEP) required under Section 1414 (a)(5) of this title. (PL 94-142)

EHA regulations direct the multidisciplinary team to determine eligibility for special education and to develop program recommendations based on documented need. Such MDT recommendations are to include the nature, duration, and frequency of all special education service needs. Thus, MDT consideration of need for extended year programming can be related directly to the federal statute.

The second major goal contained within EHA requires that

> to the maximum extent appropriate, handicapped children... are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (PL 94-142)

To date, least restrictive environment (LRE) has not been a factor in litigation specifically dealing with the issue of extended school year. However, the Supreme Court in Rowley stressed the Act's clear preference for mainstreaming; therefore, educators may be well advised to consider carefully an LRE analysis as it relates to a particular student's need for ESY services. Clearly, multidisciplinary teams are charged to recommend special education services designed to meet the unique needs of handicapped students and to provide such services in the least restrictive environment. Thus, the consideration of a student's need for ESY and the provision of such services appears to be related to statutory requirements.

o How Does Educational Benefit Correlate With Reasonable Progress?

Following the assessment process and the multidisciplinary team's development of program needs and recommendations, the individualized education program (IEP) committee develops goals and objectives which form the foundation of a special education student's program. The Supreme Court, in Board of Education v. Rowley, re-emphasized the importance of the IEP process in relation to FAPE. The court suggested that when reasonably calculated goals and objectives are developed to meet the unique needs and abilities of handicapped students, FAPE can be assured and thus educational benefit is derived. The Rowley concept of educational benefit appears to result from a but for test in determining Amy Rowley's need for services, i.e. but for the provision of such services, would Amy Rowley have been unable to make reasonable progress? Similarly, a but for test may be applied to the question of whether to provide extended school year services. The critical question may be:

> Would the student make reasonable progress toward his/her goals and objectives as stated in the IEP, but for extended school year services?

o What Effect Does the Supreme Court's Standard of "Appropriate," Contained in the Rowley Decision, Have on ESY?

The 1982 Supreme Court decision concluded that appropriate, as intended by the EHA, requires a "basic floor of opportunity." Therefore, the Rowley standard consists of providing access to special education and related services. Through reasonably calculated goals and objectives, special education and related services confer educational benefit in light of the student's handicapping condition. For students like Amy Rowley, who are educated in the regular education classroom with some additional aids and services, the court defined educational benefit as yearly advancement to higher grade levels. However, for those handicapped students who require special class placement for part or all of their day, the court directed educators once again to the IEP process. Though declining to impose a substantive standard for these students, the court reaffirmed the IEP process as the means by which appropriate and educational benefit is assured. Justice Rehnquist cautioned against the generalization of the court's ruling to students other than Amy Rowley, but analysis of the decision at least suggests that if a handicapped student's unique needs and abilities require extended school year programming, such services must be provided.

- What Do the Courts Suggest Regarding Which Students Need an Extended School Year?

To date, litigants involved in extended school year actions have represented only severely handicapped students. The plaintiffs have alledged that regression or non-maintenance of skills resulting from an extended instructional break, and more importantly recoupment or the length of retraining time required to regain levels of performance, denies FAPE to said class of handicapped students. [Battle v. Kline 629 F2d 269, (3rd cir. 1980) 3 EHLR 551:647 (1980)]. Further, the plaintiffs argued that the lengthy retraining time (recoupment) diminished said students' ultimate level of self-sufficiency and independence from caretakers.

The subsequent Rowley decision did not address the standard of self-sufficiency within its discussion and definitions of appropriate. The court did, however, deny any intent by Congress to assure maximization of potential. Rather, it directed educators to develop reasonably calculated goals and objectives for each handicapped student. It is this emphasis that leads one to assume that if but for an extended school year a handicapped student is unable to make reasonable progress toward IEP goals and objectives, the student requires ESY services.

In conclusion, special education litigation to date appears to raise as many questions as it answers, but the following implications may be particulary relevant to the extended school year concept:

1) Lack of consideration of a handicapped student's need for services beyond a 180-day school year violates the intent of the Education for All Handicapped Act regarding each student's right to a free and appropriate public education;

2) Each eligible handicapped student has the right to an individualized education program (IEP) reasonably calculated to meet the unique needs and abilities of the student; and

3) Each special education student should receive those services designed to meet his/her unique needs and abilities within the least restrictive environment.

Note: While the consideration and provision of ESY service is the topic of this resource guide, districts are reminded that if summer school programs are offered for non-handicapped students, the issue of equal opportunity for access must be addressed for handicapped students. "Under equal access requirements this would mean developing programs for the handicapped that parallel the opportunities currently available to non-handicapped students. Though this issue is separate from access to FAPE and thus to extended school year programming, it is an issue with equal implication for litigation and one which districts that offer summer school programs must address because Section 504 clearly requires an open door policy." (Whitney, 1984, page 5)

A more extensive, detailed analysis of legal issues and cases relating to ESY may be found in an ESY Memorandum from an assistant Attorney General, State of Washington. This memo is found in Appendix A.

After districts have reviewed the legal basis for extended school year, determined that board policies do not constitute an impediment to FAPE, and assured each handicapped student an individualized education program within the least restrictive environment, the task of planning for the provision of ESY should commence. Referring again to the EHA definition of appropriate, special education and related services, including the provision of ESY, must be provided at public expense. Hence, the question of resources to meet this need emerges.

FUNDING CONSIDERATIONS

Within the FAPE provision of the Education for All Handicapped Act and WAC 392-171-310, special education and related services are to be provided at no cost to the parent and in conformity with the individualized education program. Funding sources for extended school year programs and services are the same as those for all the other programs and services developed by the IEP-planning process for each eligible handicapped student. To the extent appropriated by the legislature, special education is a state-funded program. In addition to state funding, school districts have other resources available to supplement needed special education and related services.

Each school district receives an annual "flow-through" allocation from Title VI-B of the Education for All Handicapped Act, as amended by P.L. 98-199, 1983. These funds are intended to supplement state and local special education resources and are to be used to ensure that each handicapped child receives the special education and related service(s) defined by the IEP. Priority for these funds must be unserved and underserved handicapped students.

In addition, the Superintendent of Public Instruction has an on-going "B" discretionary program which provides additional federal funds to each region to further assist school districts with unanticipated IEP-determined needs.

Public Law 89-313 provides additional federal funds for de-institutionalized handicapped students. These resources are available to supplement special education and related services for eligible students.

School districts may also use resources outside the school district. These resources may include, but are not limited to, those available from the Department of Social and Health Services (Mental Health, Developmental Disabilities, Vocational Rehabilitation, Crippled Childrens' Services, etc.) as well as Vocational Education, handicapped set-aside funds. In some cases private insurance might be available as an additional resource as long as it does not pose a financial burden on parents. Finally, local funds may be used by school districts to supplement all other special education funding resources.

SECTION II

DETERMINING NEED FOR ESY THROUGH THE MULTIDISCIPLINARY TEAM/INDIVIDUALIZED EDUCATION PROGRAM (MDT/IEP) PROCESS

DETERMINING NEED FOR ESY THROUGH THE MULTIDISCIPLINARY TEAM/IDIVIDUALIZED EDUCATION PROGRAM (MDT/IEP) PROCESS

Determining whether a student needs an extended school year is a function of the multidisciplinary team/individualized education program (MDT/IEP) committee process. Participants in this process also determine whether a student qualifies for special education and, if so, design an appropriate educational program. The multidisciplinary team is responsible for assessing the student, summarizing and reviewing assessment information to determine whether the student qualifies for special education, and recommending educational program components that address the student's unique needs. The IEP committee is responsible for reviewing those MDT recommendations and developing an IEP which defines current levels of performance; specific goals; measurable objectives; and the nature, frequency, and duration of services. This process ensures the development of an appropriate individualized education program designed to provide a free and appropriate public education (FAPE) as required by the Education for All Handicapped Act, PL 94-142.

Recently revised Washington Administrative Code (392-171-351,-366,-461, -721) requires the MDT/IEP process to include consideration of the need for an extended school year along with other needs in the initial development of an IEP. The code does not specify criteria for ESY because, as with all other services, need must be determined on an individual basis and not by the state. It is important that the district and/or team process for consideration be defined in writing either as a formal document or as specific procedures so that staff, administrators, and parents all share a common understanding of the process. After initial consideration, the student's need for an extended school year must be reviewed annually at the IEP conference. At that time, the IEP committee must review the student's program and decide whether ESY is necessary as part of a free and appropriate education for that student.

To determine whether a student needs an extended year, it is suggested that the MDT/IEP process include these steps:

- o Determine the most important goals and objectives on a student's IEP;
- o Review data and information related to reasonable progress toward identified goals and objectives and to the student's program and needs; and
- o Make and document an ESY decision.

o Step I: Determine The Most Important Goals and Objectives on a Student's IEP

Review each student's IEP; indicate the goals and objectives (1) most critical to the student's program, (2) most related to self-sufficiency and independence from caretakers, and (3) directly related to the student's handicapping condition. (These may be indicated with a check or by another method of the district's choice.) It is recommended that these critical goals and objectives be identified at the time of IEP development with parents or that parents be notified regarding goals and objectives chosen by staff. This will ensure parent participation in ESY considerations. For some students, all the goals and objectives of the IEP may be considered critical; for others, only some may be considered critical.

o Step II: Review Data and Information Related to Reasonable Progress Toward Identified Goals and Objectives and to the Student's Program and Needs

Review data and information from staff, parents, or other sources to determine whether the student requires an extended school year to make reasonable progress towards critical goals and objectives. It is suggested that staff follow several steps to ensure a comprehensive review of the student's progress, program, and needs.

A. Staff should write specific goals and measurable objectives to enable accurate and comprehensive measurement of progress. Specific goals should include:

1. the student;
2. the global behavior; and
3. the target date for completion.

Examples:

Ellis will independently feed himself with a spoon by January 1986.

Priscilla will correctly complete multiplication tables up to the 9X's by March 1985.

Measurable objectives should include statements regarding:

1. the student's behavior;
2. the conditions;
3. criteria/accuracy; and
4. the target date for completion.

Examples:

Student will be able to add and subtract single-digit numerals with 80% accuracy (8 out of 10 trials) on a daily basis for three consecutive days by November 1985.

Student, when given the command, "Go to the bathroom/lunchroom," will follow through with no reminders 9 out of 10 times or 90% of the time on a daily basis by June 23.

Student will increase reading comprehension in order to pass quarterly tests in science and homemaking with at least 80% accuracy by June 1985.

Student will follow classroom rules 100% of the time as documented through teacher's daily data collection by the end of spring quarter.

B. Staff periodically must analyze ongoing student performance data to determine whether instruction is effective in helping the student progress toward his/her goals and objectives. If reasonable progress is not being made, staff should consider any necessary program changes. Changes might include different instructional techniques, different service delivery methods (for example, consultant teacher rather than resource room), or increased instructional and/or therapy time.

Ongoing data collection procedures may include the following:

1. Daily measurement using percentage or rate data techniques based on general precision teaching or direct instruction principles

2. Periodic measurement methods and examples

   - Progress reports by teachers indicating skills maintained/achieved (bimonthly review of sight words or signs acquired or quarterly review of progress towards achieving passing grades in the mainstream)
   - Documented student observations (time on task, independent toileting, etc.)
   - Completion of checklists (teacher or district-developed skill lists or objectives)
   - Progress on criterion-referenced curricular objectives (Brigance Inventory of Basic Skills, Uniform Performance Assessment System, Learning Accomplishment Profile, etc.)

   Note: Sample data collection forms are included in Appendix C.

3. Individual evaluations by therapists working with the student [for example, physical therapist (PT) range of motion measures, occupational therapist (OT) dexterity measures, communication disorders specialist (CDS) language samples]

4. Progress on standardized tests -- This may not be the most informative measure of student progress. Generally standardized tests are inappropriate measures of progress on objectives because often they are not designed to measure small increments of change. Furthermore, they often do not reflect the student's curriculum or specific instructional areas addressed in objectives and, therefore, their value in program development is limited. Typically they are not normed on a population that includes handicapped students. Also, standardized tests are not readily available in all areas of instruction pertinent to special education students.

Due to the nature of the handicapping condition, some students may have goals and objectives specifically related to either maintenance of current levels or maintenance of as many skills as possible considering a deteriorating condition. For example, a student with a severe physical handicap needs therapy just to maintain current flexibility, and flexibility is not expected to improve. A health-impaired student with a deteriorating condition may gradually lose skills, and IEP goals therefore relate to maintaining as much as possible. If the student is achieving his/her goals and objectives, then he/she still can be considered to be making reasonable progress.

For students recently evaluated and placed in program, staff should use professional judgement to decide whether an extended school year is necessary for the student to make reasonable progress towards goals and objectives. Such judgement should reflect consideration of the student's strengths and weaknesses noted during assessment, previous educational history, estimated potential, and, perhaps, performance of students with similar strengths and weaknesses.

C. An aspect of the student's making progress towards critical goals and objectives is his/her maintenance of that progress. Therefore, staff should review the student's program/progress data to help determine whether an extended break has caused, or may cause, the loss of skills necessary to sustain progress. Sources of data may include:

1. Progress reports, compiled by professional staff having direct contact through instruction or therapy with the student, that indicate any changes in maintenance after an instructional break (for example, pre/post summer or Christmas break);
2. Reports by parents of a student not maintaining critical skills over instructional breaks;

3. Medical or other agency reports indicating degenerative or physical/psychological difficulties which are exacerbated by breaks in educational programming; and
4. Review of IEP's to help determine progress/maintenance over time.

The collection of data is also important in helping determine a student's learning pattern(s) over time. Decreasing skills over an extended break may reflect the student's normal learning pattern rather than be caused by the break itself.

> Without knowing student performance on stated goals (similar to objectives in Washington State) at different times during the year, it is difficult to assess the importance of any observed change from May to September. Specifically, it is possible that any observed goal (objective) performance changes after summer vacation would be equal or similar to observed changes following equal intervals during the school year. (Cone, 1983, page 11)

An example of the importance of knowing a student's learning pattern is indicated by a recent court case, Rettig v. Kent City School District 539 F Supp. 768 (1981). In that case the court held that seriously/profoundly retarded Tom did not require an extended school year even in the face of serious regression over the summer because Tom's periods of regression were a year-round phenomenon. Further, despite the fact that he attended summer school one summer, Tom exhibited signs of regression at the beginning of the next school year (Slenkovich, 1984). This case illustrates the importance of reviewing a student's learning pattern over time when considering the need for ESY.

Although a student's performance level on a particular skill may have decreased after an extended break, it is important to note the amount of time necessary to retrain the student or reteach the skill. If the retraining time does not significantly interfere with an established rate of reasonable progress, the break actually has not affected maintenance of skills. Often in regular education programs teachers allow approximately four to six weeks for reviewing or reteaching skills or concepts that may have been forgotten over a summer break. However, research relevant to time necessary for reviewing, retraining and relearning is limited. (See page 24 and Appendix F for information about documenting student performance and research regarding retraining.)

D. Whenever a decision about a student's program is made, it is important to note the student's emotional, physical, scholastic, and social strengths, weaknesses, and needs. Therefore, when considering ESY for a student, staff should consider other factors. For example, is the need for ESY important enough to remove the student from his/her regular break environment? Will the student's attitude about school or motivation be affected negatively by additional instruction? Would a change in the level of service during the 180-day year better address the student's needs?

It is also important to review any information that is important in affecting the student's progress during the 180-day school year. For example, if the student missed a significant number of school days for reasons unrelated to his/her handicapping condition and the team determines that absence is the major factor in the student's lack of progress, then the student might not require an extended school year.

o Step III: Make and Document ESY Decision

It is suggested that the decision as to whether a student requires an extended school year be made after the team has determined if:

1. critical goals and objectives have been identified;
2. the student's program and all his/her needs have been thoroughly considered;
3. there are no other mitigating factors beyond educational control that have caused lack of progress; and
4. reasonable progress towards critical goals and objectives will be made only if ESY services are provided.

Once a decision has been made, the team must also document that decision by following these steps:

1. indicating on the IEP that an ESY has been considered for the student;
2. following the appropriate district process to refer students with ESY needs so programs can be developed; and
3. if ESY is recommended, recording the proposed ESY program on the IEP or as an IEP addendum and securing parent approval by parental signature. (See Section IV, Service Delivery, for more information on ESY program development and Appendix D for IEP examples.)

The following examples illustrate the process for consideration of need for ESY. It is important to note that these examples are hypothetical and are not necessarily inclusive regarding ESY considerations.

EXAMPLE 1

Name:	Joy
Age:	8
Handicapping Condition:	Visually impaired (totally blind)
Current Instructional Program:	Fully mainstreamed in regular third grade; top one-third of her class academically; teacher of visually impaired and orientation mobility specialist provide 8 hours per week of instruction in areas of braille, daily living skills, and travel.
Considerations:	
Question 1:	Have critical goals and objectives been identified for Joy?
Answer:	Yes.
Question 2:	Is Joy making reasonable progress towards goals and objectives?
Answer:	Yes, as indicated on student progress reports. Furthermore, Joy has maintained skills during the last two major instructional breaks (retraining to spring level within 4 weeks). Also, she has passed from grade to grade, performing within the top one-third of her class each year.
Question 3:	Have all factors related to Joy's program and her needs been considered?
Answer:	Yes.
Question 4:	Does Joy need an extended school year?
Answer:	No.

EXAMPLE 2

Name:	Elizabeth
Age:	12
Handicapping Condition:	Multihandicapped (moderate retardation and cerebral palsy)

Current Instructional Program: Self-contained special education classroom. OT and CDS each provide 1 1/2 hours of instruction per week; PT provides 2 hours therapy/week.

Considerations:

Question 1: Have critical goals and objectives been identified for Elizabeth?

Answer: Yes.

Question 2: Is Elizabeth making reasonable progress towards critical IEP goals and objectives?

Answer: Yes, as indicated on individual progress reports. Elizabeth probably would maintain reasonable progress in most areas. OT, CDS, and teacher reports indicate slow but steady progress that has not varied greatly with instructional breaks. However, PT and medical reports indicate that therapy 3-4 times/week is necessary to maintain progress towards the goal of independent ambulation. Lack of therapy would result in loss of ambulation that probably would not be regained.

Question 3: Have all factors related to Elizabeth's program and her needs been considered?

Answer: Yes.

Question 4: Does Elizabeth need an extended school year?

Answer: Yes, however, just PT to address ambulation needs.

EXAMPLE 3

Name: Seth

Age: 16

Handicapping Condition: Learning Disabled

Current Instructional Program: Mainstreamed 3 of 6 periods per day; resource room instruction 3 periods per day in reading, math, and social studies.

Considerations:

Question 1:	Have critical goals and objectives been identified for Seth?
Answer:	Yes.
Question 2:	Is Seth making reasonable progress towards critical IEP goals and objectives?
Answer:	Yes, Seth is passing quarterly evaluation of IEP objectives. Furthermore, skill levels in reading attained by spring of the preceding year were maintained when probed in the fall. Math skills were considerably lower; however, within 4-5 weeks they were within former range, and continued progress occurred.
Question 3:	Have all factors related to Seth's program and his needs been considered?
Answer:	Yes.
Question 4:	Does Seth need an extended school year?
Answer:	No.

EXAMPLE 4

Name:	Barnabas
Age:	13
Handicapping Condition:	Seriously Behaviorally Disabled
Current Instructional Program:	Resource room 3 periods per day; individual therapy 1 hour per week; works as kitchen aide 1 period per day; mainstreamed 2 periods per day.

Considerations:

Question 1:	Have critical goals and objectives been identified for Barnabas?
Answer:	Yes.
Question 2:	Is Barnabas making reasonable progress towards critical goals and objectives?

Answer:

Barnabas is having difficulty maintaining self-control and on-task behaviors in mainstreamed classes. However, he is progressing well towards these goals in the aide program and in the resource room. Although he is behind his peers in most academic subjects, he is progressing slowly but consistently towards academic objectives. Weekly behavior sheets, daily work evaluations, and intermittent tests document his behavioral and academic progress.

After previous instructional breaks Barnabas required several weeks to adjust to new classes and begin following conduct rules. He has consistently needed instructional programs in both academic and behavioral areas. Right now Barnabas is having so much difficulty with mainstreaming that the team recommends replacing one period of mainstream instruction with one period of resource room instruction.

However, over the past Barnabas has fluctuated in his progress throughout the year and occasional program changes have been necessary.

Question 3:

Have all factors related to Barnabas's program and his needs been considered?

Answer:

Yes. Barnabas's parents have sent him to camp and the boys' club during the summer, and he has enjoyed these activities and the change from school. The team concurs with the parents' desire that these activities are helpful for Barnabas and should be continued.

Barnabas was in summer school during elementary school and his negative behaviors accelerated; he has said he wants to be "like the other kids" and have free time during the summer. Parents report he follows camp rules fairly well.

Question 4:	Does Barnabas need an extended school year?
Answer:	No.

EXAMPLE 5

Name:	Walter
Age:	10
Handicapping Condition:	Multihandicapped (moderate retardation seizure disorder, diabetes, and severe emotional disturbance)
Current Instructional Program:	Institutional care (school district placement). Behavior therapy 3 hours a week. Controlled medication for diabetes and seizures. Independent self-care skills. Prevocational program.
Considerations:	
Question 1:	Have critical goals and objectives been identified for Walter?
Answer:	Yes. One critical goal is for Walter to be eligible for group home living in his local community.
Question 2:	Is Walter making reasonable progress towards critical IEP goals and objectives?
Answer:	Yes, as indicated on individual progress reports. However, based on Walter's performance staff felt he requires continued behavior therapy to maintain skills in behavior control so he can go to a less restrictive environment, the group home. If the district provides these services as part of ESY, Ellis can be considered for the group home.
Question 3:	Have all factors related to Walter's program and his needs been considered?
Answer:	Yes.
Question 4:	Does Walter need an extended school year?
	Yes.

Summary

The MDT/IEP process is carefully designed to ensure that a handicapped student's unique needs are considered and addressed in the development of his/her individualized education program. The consideration of the need for an ESY is but one aspect of the process. Just as in the process employed during the regular 180-day school year, the team also must consider assessment information as well as program data to determine need and make and document its ESY decision and/or recommendation.

If a decision has been made that a student needs an ESY, the MDT/IEP committee members must then determine the nature, frequency and length of services. In choosing a service option, it may be important to include a district administrator as a member of the team and/or to follow district procedures for developing the ESY program.

As litigation to date has neither prescribed nor endorsed any one service delivery system, local districts across the country are creating programs that may differ from those offered during the 180-day school year. With this flexibility in design, the number of appropriate service options increases as well as the probability that the program will meet the needs of the individual student and those of the district.

SECTION III

SERVICE DELIVERY

SERVICE DELIVERY

The delivery of ESY services may best be accomplished by developing a district plan that incorporates the following steps:

- defining each student's needs;
- defining district-wide service needs;
- choosing service delivery options to address identified needs;
- developing staffing plans;
- ensuring parent involvement in program development;
- providing services; and
- documenting student progress during ESY programs.

- Defining Each Student's Needs

It is the responsibility of instructional staff to recommend 1) the anticipated nature, duration, and frequency of service(s) which would enable a student to make reasonable progress; and 2) possible methods of service delivery.

A review of the information considered when determining need for an ESY should indicate the type or nature of service necessary. A review of the student's program and progress, as well as professional judgement, should also be used in initially recommending duration and frequency of service. Factors affecting program duration or length include the number and types of skills for which the student requires instruction and the student's rate of learning. It is important to remember that ESY services are provided to help the student make reasonable progress towards specific goals and objectives. Recommendations regarding frequency and duration should be made accordingly.

In reviewing possible methods of service delivery, staff members should consider several factors about the student:

1. Least Restrictive Environment (LRE) -- What is the regular summer program for the student? What is the LRE in which service could be delivered? For example, a center-based program may not be the least restrictive environment during summer.

2. Total Needs of the Student -- If the student requires physical therapy (PT) and also must increase peer interaction skills, center or community-based service delivery might best address these needs.

3. Student's Residence -- Where does the student live? How does the location affect service delivery and transportation needs?

4. Former Summer Programs -- Has the student previously received instruction during an extended break? If so, what were the effects? Would the same type of program address current needs?

- Defining District-Wide Service Needs

After receiving recommendations from staff, administrators must define service needs across the district. Defining needs should take into account several factors:

1. the number of students identified as requiring ESY;
2. the types of services needed;
3. the frequency and duration of services recommended across the district;
4. the ages of students; and
5. the geographical dispersion of students requiring ESY services.

After analyzing this information, district staff should be ready to choose service delivery options.

- Choosing Service Delivery Options To Address Identified Needs

Staff should consider a wide range of service delivery options based on identified needs. It is important to remember that since ESY is part of FAPE, guidelines regarding certificated staff for provision or supervision of instruction are the same as during the 180-day year. Service delivery options, categorized as either location or method, are outlined in the following paragraphs.

Location:

1. District/Co-operative Center-based Instruction--This includes providing service at one or more district/co-operative sites. Staff is present at the site to provide instruction/therapy, and students are transported to the site for service. If certain schools are open for traditional summer school programs, they may be good sites for ESY programs because administrative, custodial, and health and safety needs will have been addressed.

2. Home-based Programs--These involve itinerant staff traveling to the student's home to provide instruction/therapy. This option may be important for students whose parents are actively involved, or want to be involved, in home-based programs. Home-based programs may also be a viable service delivery option for students who live far from center-based instruction or who need only limited service.

3. Agency Programs --These involve service provision by an agency through a contractual arrangement with the district.

Methods:

1. Regular Summer School Services -- If ESY program needs for some students are the same as those addressed in an established summer school program, the student could be enrolled in that program. However, as part of FAPE, which is defined by the IEP, the program must be offered free of charge and with provisions for transportation. (For example, the district maintains an optional summer therapy swim program. The program meets a student's ESY therapy needs and thus could be his/her ESY service as long as it is offered free of charge and transportation, if necessary, is provided.)

2. Itinerant Services -- Itinerant staff could be hired to provide and/or supervise services for students at any location.

3. Contractual Services -- A district may contract with an agency, individual, or another district to provide direct service just as it may during the 180-day school year.

4. Educational Service District (ESD) Services -- The ESD may consider establishing services for students in its area. Districts could contract with the ESD for those services.

5. Co-operatives -- There are two different types of co-operative agreements that districts may wish to consider:

   a. Co-operative sharing of staff -- For example, one district may provide the communication disorders specialist (CDS) and another, the physical therapist (PT) or service site; students from both districts could be served through this arrangement.

   b. Co-operative among several districts -- For example, two or more districts might join together to supply funds to hire personnel and provide services.

Districts may wish to use a combination of locations and methods for service delivery. As with all program planning, student needs should be the basis for decision making.

- Developing Staffing Plans

After the district has gathered information about students needing ESY services and has developed and considered service delivery methods, it must consider securing staff. The number and type of staff required will be contingent upon the number of students requiring ESY instruction, the nature of that instruction, and the length of the ESY program.

Staffing is not only an administrative decision. Issues regarding securing staff are frequently outlined or provided for in collectively bargained agreements, district policy, district practice, and the right of unions to bargain new issues as per the law. The Educational Employment Relations Act states that the district and the bargaining representative will "bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment." (1983 Revised Code of Washington, Chapter 41.59.020, p. 196.) The Act also defines many employee rights.

It is important to review these agreements and rights when dealing with staffing issues that may arise. Particular areas of concern requiring adminstrative attention may include number, selection, assignment and compensation of staff. Within each area, districts may want to consider some questions and ideas related to an extended school year.

1. Number of Staff

   - Are class sizes/case loads covered in the provisions of the collectively bargained agreement?

   - Are students to be grouped differently, requiring revisions of workload provisions?

   If workload limits are not specified and if job characteristics as outlined in contracts remain the same across regular school year and ESY programs, then there does not appear to be a need for collective bargaining. If workload provisions are currently in the contract and/or the ESY program is different from the regular year, perhaps discussions between the district and bargaining representatives should occur. Just as district policy must allow for ESY programs, the collectively bargained agreements in a district must permit the establishment and implementation of ESY.

   The case of itinerants requires particular attention. If a job becomes significantly more or less center-based, a close look at the contract which covers the affected employee(s) is recommended.

2. Selection of Staff

   - Must traditional bargaining unit work continue to be done by members of that bargaining unit?

- Can community volunteers be used to perform those duties for which there are paid aides during the regular school year?

- If selection is on an "in district" application process, how will decisions be made to limit staff if too many apply?

- Can the positions be posted outside the district prior to or at the same time as an "in district" posting takes place?

Subcontracting and/or replacing normally used staff by lower paid persons during ESY may be a concern of bargaining units.

Districts may wish to consider whether currently employed staff have first rights to ESY job opportunities. Since contracts have a defined work year, districts may wish to consider whether staff can actually be required to assume ESY responsibilities. For staff with extended contracts, such as custodial and administrative staff, new contract langugage may only be required if changes in responsibilities are perceived adversely by employees.

The district and the respective bargaining unit representatives should discuss and agree to a process of securing staff which answers the aforementioned questions. Opportunity for extended contracts (as well as an opportunity for the usual vacation) seems to fall under "terms and conditions of employment."

3. Assignment of Staff

- If jobs are for varying hours per day, who should get the longer hours?

- How will staffing assignments for particular groups of students be made?

Again, any seniority and assignment/transfer/reassignment provisions in applicable contracts should be reviewed by the district and bargaining unit representatives to insure that program implementation is in line with the collectively bargained agreement(s). The best method of avoiding grievances is to make sure that contract language is clear and explicit.

4. Compensation of Staff

- Shall compensation be at the employee's regular daily/hourly rate of pay?

- Is ESY a continuation of the regualar contract or will a different arrangement for employment be made?

It is clear that compensation must be negotiated if the current contracts do not provide for the length of contract which ESY will create. Also, if staff would normally be working during the ESY times but ESY programs change their job responsibilities, possible compensation changes should be addressed.

o Ensuring Parent Involvement in Program Development

It is important that parents, as partners in the educational process, have the opportunity to participate in developing their child's program. This is ensured by their participation in the development of the IEP. Consideration of ESY must be documented on the IEP and ESY services, when necessary, must be described. This may be done at any IEP meeting, whether requested by the district or parent. It is important that options for services be discussed. It is also important for districts to provide documentation of the process for consideration of ESY. This may be done at the IEP meeting, a separate conference, or through a letter. The process, however, must be explained to parents.

If a student transfers to another district which cannot provide the same ESY program as described on the original IEP, it will be necessary to hold another IEP meeting. During this meeting, a different program designed to meet the student's needs should be developed.

Parents may accept or reject the ESY program just as they may accept or reject any service the MDT/IEP process recommends. Parental rejections or requests for additional and/or alternative services or times for services should be dealt with by the same process used during the 180-day school year. It is always the district's responsibility to offer an appropriate educational program.

It is also important to remember that parent participation in education, whether with direct instruction or with support and encouragement, is a key factor in a student's successful educational program. Therefore, parental involvement in the educational program throughout the year is encouraged.

o Providing Services

After developing service delivery and staffing plans, districts should address additional areas of consideration, including transportation. Since ESY is part of FAPE, transportation must be provided free of charge to parents. Thus, districts may provide transportation or reimburse parents who transport students. Agencies that contract with the district to provide services may have their own transportation systems. In such cases, it is appropriate to use these transportation systems.

Districts will also have to determine building personnel needs. Supplies and materials must be ordered, and health and safety regulations must be addressed. The superintendent, board, staff and, parents should be informed of the process used to consider need for ESY as well as the specific services to be provided.

In order to help districts plan ESY programs in subsequent years and to assist SPI in clarifying financial needs, districts should collect information in the following areas during the initial years of providing ESY services:

1. number of students receiving ESY services;
2. nature of handicapping conditions served;
3. nature, frequency and duration of services;
4. number of staff used and staffing patterns;
5. cost per service or cost per student; and
6. outcomes of instruction.

o Documenting Student Progress During ESY Program

It is always important for staff to monitor and document student progress to ensure that each student receives a quality education. The reasons for monitoring and documenting progress during the extended school year are

1. to determine whether the extended school year is effective in helping the student make reasonable progress;

2. to help determine the amount of instructional retraining time necessary for the student to reach or maintain skill levels achieved prior to an instructional break;

3. to help determine whether increased, decreased, or a different type of instruction would be better for the student; and

4. to help determine whether the length of instruction or when the instruction is offered affects progress.

Monitoring progress and the effects of ESY instruction is especially important because little empirical research addresses maintenance or non-maintenance of skills over an extended break or the effects of ESY instruction.

The limited amount of quality research regarding the effects of prolonged instructional breaks as revealed through a literature review (see Appendix B) and the trends noted in the Iowa ESY study (see Appendix F) demonstrate the need for further study and research about the topics of:

- which students will require services;
- how much loss is significant; and
- how much time is required to retrain to prior levels.

SUMMARY

The extended school year concept is relatively new to educators in the State of Washington. Thus, local districts still are developing procedures and practices which will satisfy legal requirements and appropriately serve special education students. Recognizing the evolving nature of ESY, it has been the intent of The Extended School Year Resource Guide: Part II to address three major components necessary for sound planning and implementation. The three components include legal and funding considerations, determining need for services, and service delivery options.

The purpose of the legal considerations subsection was to review the legal basis according to statute, to analyze relevant litigation, and to raise important questions for consideration. It is clear that the language and intent of the Education for All Handicapped Act guarantee the right to an individualized education program (IEP) designed to meet the unique needs of each eligible handicapped student. Additionally, litigation prohibits the lack of consideration of a handicapped student's need for services beyond a 180-day school year. Though questions still exist regarding which students are in need, the results have suggested that a student's inability to make reasonable progress towards goals and objectives may mean that a free and appropriate education includes an ESY.

The intent of the funding considerations subsection was to stress that ESY fiscal needs are but one part of the total funding need for the provision of special education. A review and delineation of the various funding resources currently available were provided.

Determining need for services was presented in the context of the MDT/IEP process and included important steps as well as examples for district use. These steps included systematic analysis of critical goals and objectives, review of data regarding progress, consideration of any other pertinent information which might affect the MDT's recommendation for ESY, and documentation of the decision.

Finally, components necessary for developing a service delivery model were discussed. The following checklist summarizes some of the most important steps of ESY development and may be useful as districts design the process which is best suited to their needs and characteristics:

1. Provide inservice for staff regarding the extended school year, guidelines for determining need through the MDT/IEP process, and district policies and procedures.
2. Determine which students need an extended school year.
3. Analyze students' needs including the projected nature, frequency, and duration of services required by each student to make reasonable progress towards specified goals and objectives.

4. Define service needs across the district.
5. Analyze geographic distribution of students needing service.
6. Develop staffing plans, keeping in mind the need for certificated personnel.
7. Determine general service delivery options.
8. Develop each student's program through the IEP process.
9. Determine transportation needs and arrange for services.
10. Identify building/equipment/material requirements and make necessary arrangements.
11. Notify appropriate personnel and parents.

A sample of a district implementation plan is included in Appendix E.

APPENDIX A

EXTENDED SCHOOL YEAR MEMORANDUM: OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE
ATTORNEY GENERAL

March 11, 1985

MEMORANDUM

TO: Dr. Judy A. Schrag, Assistant Superintendent
Division of Special Services and
Professional Programs
Superintendent of Public Instruction

FROM: Robert V. Jensen
Assistant Attorney General

SUBJECT: Extended School Year

In your recent memorandum received December 21, 1984, you have requested that I provide you a written discussion of all the legal parameters that should be considered in determining when a school district is legally obliged to provide extended school year services. The following is my response to this request.

ISSUE

The issue is when and under what conditions a school district is legally obliged to provide an extended school year.

EDUCATION OF THE HANDICAPPED ACT (EHA)

To begin, it is important to recognize that the issue of the provision of extended school year services is basically a second generation issue under the Education of the Handicapped Act (EHA). It is not surprising, therefore, to find that the underlying statutes and regulations do not expressly address this particular issue. The statutes speak generally in terms of providing a "free and appropriate public education," which means the following:

> special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary, or

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> secondary school education in the State involved, and (D) are provided in conformity with the individualized education program [IEP] required under section 1414(a)(5) of this title.

20 U.S.C. § 1401(18). As can be seen from this definition, it does not supply a substantive standard for the free appropriate public education. The special education and related services are to be provided at public expense and under public supervision.

Related services are defined in the EHA, and by federal and state regulation. 20 U.S.C. § 1401(17), 34 C.F.R. § 300.13(a), WAC 392-171-320. These definitions are essentially the same. The state regulation, WAC 392-171-320, provides the following definition:

> As used in this chapter, "related services" means transportation and other such developmental, corrective, and other supportive services as are required to assist a handicapped student to benefit from special education, and includes communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities and students, counseling services, medical services for diagnostic or assessment purposes, and orientation and mobility services. The term also includes school health services, social work services in schools, parent counseling and training, and classified staff services.

Basically, related services are those supportive services which the handicapped child requires in order to benefit from special education. Irving Independent School Dist. v. Tatro, 104 S. Ct. 3371, 3376 (1984). Excluded therefrom are medical services serving purposes other than diagnosis or evaluation. Id. at 3376.

Finally, the education that is provided is to be in conformity with the individualized education program (IEP).

The IEP is:

> a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or

> supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child . . .

20 U.S.C. § 1401(19).

This document is the end product of the EHA procedural scheme for determining the free appropriate public education. Its content is largely determined through the assessment and evaluation of the child, which is conducted by a group of professionals known as the multidisciplinary team. See WAC 392-171-336, 351. The recommendations of this team are generally adopted by the school superintendent and presented to the parties; including the parents, the teacher, a school district representative qualified to supervise special education services, and a member of the multi-disciplinary team; at an IEP meeting. WAC 392-171-456. Placement occurs when the parents give their written consent, or a final decision overruling the parents has been made following the administrative hearing and appeal process. WAC 392-171-466. As is indicated in the statute, the IEP must be individually tailored to the student, based on the professional judgment of local and state educators.

Built into this mechanism are substantial procedural and judicial safeguards for the child. Placement, of course, is contingent upon the consent of the parents (or, in the case of an adult student, the student). WAC 392-171-466. Where such consent is not given, the parents, or the child (where appropriate), are entitled to an opportunity for a due process hearing. Upon conclusion of the state administrative hearing process, the aggrieved party is entitled to a de novo review in either the state or federal courts.

In addition to requiring that a free appropriate public education be provided to each handicapped student based on an IEP, the act declares a preference for placing children in the "least restrictive environment."[1] This concept is delineated at 20 U.S.C. § 1412(5), and requires that:

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[1] This is the title given to the regulations implementing 20 U.S.C. § 1412(5). This concept is sometimes referred to as "mainstreaming." It is important to note that regardless of its label, it may include, but is not limited to, placement in the regular classroom. The purpose of this provision is to strongly encourage situations in which handicapped children are educated with non-handicapped kids.

> to the maximum extent appropriate, [the state procedures must assure that] handicapped children . . . are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

20 U.S.C. § 1412(5); Hendrick Hudson Dist. Bd. of Ed. v. Rowley, 458 U.S. 176, 181 (1982).

This preference for the least restrictive environment," places an additional consideration into the analysis of whether or not extended school year services are required. Although I am aware of no cases on the point, one ramification of the least restrictive environment requirement could be to require extended school year services where, but for such services, the student would be unable to be placed in such environment.

On the other hand, it is important to note that it is not likely that the courts will place the least restrictive environment priority above the requirement for a free and appropriate public education. First, the court must determine what does constitute the free and appropriate public education, before it determines what constitutes the least restrictive environment. See Springdale School District No. 50 v. Grace, 693 F.2d 41 (8th Cir. 1982), cert. denied, 103 S.Ct. 2086 (1983). In other words, the law requires that the educators first select a program for the child. Next, they must decide what is the least restrictive placement that satisfies that program.

GUIDELINES FROM UNITED STATES SUPREME COURT DECISIONS

Based on these generalized statements of statutory law, the United States Supreme Court has outlined the essential parameters of rights under the EHA. Hendrick Hudson Dist. Bd. of Ed. v. Rowley, Supra. The Supreme Court has concluded that the EHA comprises an elaborate and comprehensive procedural scheme to provide all handicapped children under the Act a "basic floor of opportunity." Rowley at 200.

The emphasis, therefore, is on procedures designed to determine what is an appropriate program.[2] The role of the courts is basically limited to a two-step process. First, the court must determine whether or not there has been procedural compliance with the underlying law. Second, the court must determine whether the IEP is reasonably calculated to enable the child to receive educational benefit.

> If these requirements are met, the State has complied with the obligations imposed by Congress and the courts can require no more.

Rowley at 207.

As is suggested in the immediately preceding reference from Rowley, the court has recognized that the statute, although essentially procedural in nature, has a substantive guideline for determining when the requirement of the provision of a free and appropriate public education has been met. The Rowley court concluded that the Act requires a "basic floor of opportunity." This consists in providing access to special education and related services, which are designed to provide educational benefit to the handicapped child.

The Supreme Court, in interpreting the EHA, rejects the argument that the Act requires equal educational opportunities between handicapped and non-handicapped children. Rowley at 198.

> The requirement that States provide "equal" educational opportunities would thus seem to present an entirely unworkable standard requiring impossible measurements and

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[2] This focus on procedures is illustrated by the fact that on May 24, 1984, the Office for Civil Rights (OCR) of the U.S. Department of Education entered into an agreement with the Seattle School District and the Superintendent of Public Instruction; which provided that the school district would ensure, and the state would facilitate, the development of procedures designed to permit individualized consideration of the need for, and the provision of, extended school year services. Significantly, the agreement establishes no substantive standard that dictates the provision of these services in any given case. Although the sole source of OCR's authority is § 504 of the Rehabilitation Act (not the EHA), the regulations establishing these procedures are so similar to those of the EHA, that it is fair to assume that a like result would have been reached under the EHA.

> comparisons. Similarly, furnishing handicapped children with only such services as are available to non-handicapped children would in all probability fall short of the statutory requirement of "free appropriate public education"; to require, on the other hand, the furnishing of every special service necessary to maximize each handicapped child's potential is, we think, further than Congress intended to go. Thus to speak in terms of "equal" services in one instance gives less than what is required by the Act and in another instance more. The theme of the Act is "free appropriate public education," a phrase which is too complex to be captured by the word "equal" whether one is speaking of opportunities or services.

Rowley at 198, 199.

What then are the objective parameters to the free and appropriate public education? In Rowley, the court concluded that the states must first provide access to public education. Beyond that, however, the states need not provide:

> any greater substantive educational standard then would be necessary to make such access meaningful.

Rowley at 192. Thus, the court arrives at the standard that sufficient specialized instruction and support services must be offered to permit the child to benefit educationally from that instruction. Rowley at 203. More specifically, at a minimum, this standard requires that:

> Such instruction and services must be provided at public expense, must meet the State's educational standards, must approximate the grade levels used in the State's regular education, and must comport with the child's IEP. In addition, the IEP, and therefore the personalized instruction, should be formulated in accordance with the requirements of the Act and, if the child is being educated in the regular classrooms of the public education system, should be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.

Rowley at 203.

EQUAL PROTECTION

As stated earlier, the Supreme Court has rejected the concept of the EHA as requiring equal educational opportunities between handicapped and non-handicapped children. Nevertheless, one of the basic forces behind passage of this law was a desire to provide a fair treatment of handicapped students, so as to satisfy the equal protection clause of the 14th Amendment of the United States Constitution. Two federal cases which provided this impetus were Pennsylvania Association for Retarded Children (PARC) v. Pennsylvania, 334 F.Supp. 1257 (D. Pa., 1971), modified, 343 F.Supp. 279 (D. Pa., 1972) and Mills v. Board of Education, 348 F.Supp. 866 (D.C., 1972).

In Rowley, the Supreme Court interpreted this requirement to satisfy equal protection to be a meaningful access for handicapped students. Moreover, in Smith v. Robinson, 104 S. Ct. 3457, 3468 (1984), the Supreme Court concluded that:

> Congress intended the EHA to be the exclusive avenue through which a plaintiff may assert an equal protection claim to a publicly financed special education.

There remains, however, the issue as to whether handicapped students may, in certain circumstances, raise an equal protection claim through the other major law benefitting handicapped students; i.e., the Rehabilitation Act of 1973.[3]

In this regard, the high court appears to have left the door slightly ajar. The following language from Smith at 3474 is noteworthy:

> We do not address the situation where the EHA is not available or where § 504 [of the Rehabilitation Act of 1973] guarantees substantive rights greater than those available under the EHA. We only hold that where, as here, whatever remedy might be

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[3] Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) prohibits discrimination against otherwise qualified handicapped individuals on the basis of their handicap, in any program or activity receiving federal aid. State law, RCW 49.60.030, also prohibits discrimination based on handicap. Because the substantive provisions of these laws are basically the same, the discussion pertaining to the Rehabilitation Act applies.as well to the state law against discrimination.

> provided under § 504 is provided with more clarity and precision under the EHA, a plaintiff may not circumvent or enlarge on the remedies available under the EHA by resort to § 504.

The following distinctions between § 504 and the EHA were noted by the Supreme Court in Smith at 3472:

> Section 504 and the EHA are different substantive statutes. While the EHA guarantees a right to a free appropriate public education, § 504 simply prevents discrimination on the basis of handicap. But while the EHA is limited to handicapped children seeking access to public education, § 504 protects handicapped persons of all ages from discrimination in a variety of programs and activities receiving federal financial assistance.

The Supreme Court, in dictum from this opinion, has placed a restrictive reading on the scope of § 504. In Smith at 3472, the court declares:

> The significant difference between the two [the EHA and § 504] as applied to special education claims, is that the substantive and procedural rights assumed to be guaranteed by both statutes are specifically required only by the EHA.

One situation, under which § 504 may provide a remedy that might not otherwise be available under the EHA, is where a school district provides summer school education for its regular students. Under these circumstance, it could logically be argued, that to not provide summer school year services to handicapped students, constitutes discrimination in violation of § 504.

If this argument were to be accepted by the courts, an additional question would be raised; namely, if the school district charges tuition to its regular school students, may it also charge tuition to its handicapped students because their rights, under this situation, would depend upon § 504 and not the EHA. To the extent our current statutory scheme allows, tuition may be chargeable so long as it is not discriminatory as between handicapped and non-handicapped students. 34 C.F.R. § 104-.33(3)(c).

RIGHTS UNDER STATE LAW

The United States Supreme Court has given a fairly narrow reading to the substantive requirements of the EHA. This does not mean, however, that the states are necessarily limited to a restrictive set of substantive standards, either under the EHA or under state law.

It has been held by a federal appellate court that state standards for education of handicapped children may be more strict than the federal standards, and may be applied by federal courts in deciding the adequacy of an IEP. Town of Burlington v. Dept. of Education for the Commonwealth of Massachusetts, 736 F.2d 773 (1st Cir. 1984).

In the case of Armstrong v. Kline, 476 F.Supp. 583 (D. Pa. 1979); Battle v. Commonwealth of Pennsylvania, 629 F.2d 269 (3rd Cir. 1980); Armstrong v. Kline, 513 F.Supp. 425 (D. Pa. 1980), the District Court ultimately upheld a state goal that was arguably stronger than that of the EHA.

The basic structure of our state's handicapped education law predates the federal handicapped education law. It has been argued that our state law may have served as a model for the federal enactment. At RCW 28A.13.010, the following definition is advanced:

> For the purposes of this chapter, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children.

There are no reported cases interpreting the scope of this section.

It is unclear whether state courts would interpret state law so as to create a distinct substantive standard for a free appropriate public education.[4]

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[4] The words "unique needs" appear both in the federal language and that state language. However, an argument could be made that the use of the words "education directed to the unique needs" in state law established a different standard from the federal language "specially designed instruction to meet the unique needs." Not only is there a difference between the language, the federal law relates specifically to the

(Footnote Continued)

FEDERAL CASES DEALING WITH EXTENDED SCHOOL YEAR

The major federal cases dealing with the extended school year can be divided into two categories: pre-Rowley and post-Rowley. Examples of pre-Rowley cases are: Armstrong v. Kline, 476 F.Supp. 583 (D. Pa. 1979), Battle v. Commonwealth of Pennsylvania, 629 F.2d 269 (3rd Cir. 1980), Armstrong v. Kline, 513 F.Supp. 425 (D. Pa. 1980), Stacey G. v. Pasadena Independent School District, 547 F.Supp. 61 (D. Tex. 1982), Anderson v. Thompson, 495 F.Supp. 1256 (D. Wis. 1980); and Bales v. Clarke, 523 F. Supp. 1366 (D. Va. 1981).

It has previously been noted that the lower court in Armstrong was convinced that a major goal of the act was the attainment of self-sufficiency. Armstrong at 603, 604. Upon remand, the court reached the same result in declaring that the state goal, in the judgment of the court, was commensurate with a goal of self-sufficiency. Battle at 513 F.Supp. 428.

One of the issues in Armstrong was "regression and recoupment." About this subject the appellate court in Battle at 276, footnote 9, had the following to say:

> Moreover in the absence of educational objectives, we do not believe that the fact that class members experience regression

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(Footnote Continued)
qualifications of a representative of the school district to the IEP meeting; rather than, as under state law, to a separate substantive standard. Arguably, these factors could lead a court to conclude that Washington's standard is stronger.

A counterargument can be made. First, the state regulations have not recognized any variation between the federal and state standard for free and appropriate education. There has been a long history of administrative reliance on procedures which are virtually identical to those of the EHA. It is doubtful that when the state law was enacted, the sponsors envisioned the provision of summer school services. Second, despite the placement of the language in the EHA pertaining to meeting "the unique needs of handicapped children," the United States Supreme Court has recognized: (1) that a free appropriate education consists of education which is "specially designed to meet the unique needs of the handicapped child," Rowley at 188, 189; and (2) that the act "establishes an enforceable substantive right to a free appropriate education. Smith at 3468. Third, the above-cited difference in state and federal statutory language is not one of substantive content, but rather of placement.

> during periods without programming and require unusually long periods of time to recover those lost skills creates "unique needs." We can perceive no difference between a child who requires two months to recoup prior learning then requires a quantum of new skills in the remainder of the school year, and a child who loses little during the break, but is a slower learner, requiring the entire school year to learn the same quantum. Indeed, the findings of the district court indicate that the regression problem of SPI [severely and profoundly impaired] and SED [severely emotionally disturbed] children appears to be but a larger scale version of a phenomenon found in normal children. The significance of the regression problem is little different from the significance of the fact that SPI and SED children learn skills much more slowly than non-handicapped children. Regression and speed of learning are significant only insofar as they impact on the child's ability to attain specified educational goals. In the absence of such goals, however, they are not relevant.

Nevertheless, it was recognized that some handicapped students would be unable to recoup what they lost during the summer break and therefore they would not be able to attain their educational goals:

> For some, but not all, SPI and SED children, standing in the way of the attainment of some of these objectives, is the effect of breaks in the educational program which are created, at least in part, by the 180 day rule. The district court found that "as a result of programming interruptions some SPI children lose a large amount of skills and development. . . ." . . . A similar regression of skill development, is found among SED children who also experience a decline in emotional development. Although this regression also occurs in non-handicapped children, the effect is significantly greater among many SPI and SED children. . .
>
> Most importantly, the time required to recoup these lost skills, although it varies significantly from child to child, is usually

> much greater than the time required by the non-handicapped.

Battle at 275.

Another pre-Rowley case involving extended school year services is Anderson v. Thompson, 495 F.Supp. 1256 (D. Wis. 1980). In declining to require extended school year services for a thirteen year old handicapped child, the court appears to have anticipated Rowley in noting that the student:

> has, however, continued to progress academically from year to year despite a lack of summer school programming.

Anderson at 1266.

This anticipation of the Rowley appellate decision is further reflected in Bales v. Clarke, 523 F.Supp. 1366 (D. Va 1981). There, the court quoted the lower court decision in Rowley for the proposition that:

> Even the best public schools lack the resources to enable every child to achieve his full potential.

Bales at 1370; Rowley v. Board of Education, 483 F.Supp. 528, 534 (D. NY 1980).

Furthermore, the court cited Springdale School District v. Grace, supra at 272, in rejecting the concept that an appropriate education is equivalent to the best possible education.

In Stacey G. v. Pasadena Independent School District, supra, the court ordered year-round schooling to a severely handicapped autistic child. This is the only federal court case of which this attorney is aware, in which a specific order for extended school year services has been made. It should be noted, however, that this was a pre-Rowley case. The court's reliance on maximization of the potential of the handicapped child is in conflict with the rejection of such standard by the Supreme Court. Rowley at 199.

Nevertheless, the court found that Stacey G. experienced serious regression during the summer. One author accordingly argues:

> Assuming the regression was serious enough to meet the test that Stacey G. could not attain her IEP goals without summer school, it would have been necessary to provide Stacey G.

> summer school, regardless of Rowley, under the Armstrong v. Kline standard. 1 J. Slenkovich, Understanding Special Education Law 261 (1984).

Subsequent to Rowley, there have been several federal court decisions dealing with the extended school year issue. Among these are: Rettig v. Kent City School District, 720 F.2d 463 (6th Cir. 1983), cert. denied, 104 S.Ct. 2379 (1984); Crawford v. Pittman, 708 F.2d 1028 (5th Cir. 1983); Yaris v. Special School District of St. Louis County, 728 F.2d 1055 (8th Cir. 1984); and Georgia Association of Retarded Citizens (GARC) v. McDaniel, 716 F.2d 1565 (11th Cir. 1983), cert. denied, ___ S.Ct. ___ (1985).[5]

In summary, most of the cases dealing with extended school year services have dealt with severely or profoundly handicapped children.[6] These cases have uniformly ruled that educators may not place artificial impediments such as 180-day maximum school year upon its special education programs. Secondly, the courts have been generally reluctant to order the provision of extended school year services to particular plaintiffs. In light of the decision in Rowley, it appears that the courts will place primary emphasis for implementation of the extended school year concept on the IEP through the establishment of appropriate and realistic educational goals.

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[5] The Supreme Court originally granted review of this case and remanded it in light of the Smith v. Robinson decision. 104 S. Ct. 3457 (1984). Remand was presumably due to the fact that the lower court based its rejection of a maximum 180-day school year, both on § 504 and the EHA. The case subsequently was returned to the Supreme Court, which decided not to hear further argument on February 15, 1985.

[6] It is obvious from reading these cases that the severely and profoundly handicapped constitute an "at risk" population. Courts may therefore tend to be more receptive to deciding these types of cases. This does not mean, however, either (1) that a severely handicapped child automatically qualifies for summer school; or (2) that other handicapped children do not. There are other "at risk" populations which may qualify, such as health-impaired children, who have missed a lot of school. The point is that the determination should be made on an individualized basis directed to the unique needs of the student.

APPLICATION OF THESE LEGAL PRINCIPLES

The ultimate issue is, given the vast range of handicaps and corresponding abilities of handicapped students to respond effectively to education, how to apply the foregoing standards to the question of an extended school year.

Narrowing Rowley down to its fundamentals, the court appears to have applied a "but for" test in determining whether or not Amy Rowley should be provided with special educational services. Had the court been able to answer in the affirmative (the question of whether "but for" the provisions of these services Amy Rowley would not have been advancing from grade to grade), the court presumably would have come out with a different result.

Similarly, a "but for" test can be applied in relation to the question of the provision of extended school year services, consisting of special education and related services, where appropriate.[7] Based on this approach, a fundamental question that may be asked is:

> Would the student make reasonable progress toward his or her goals and objectives as stated in the IEP, but for extended school year services?

If the answer is negative, the services should be provided.

Inherent in such considerations is the statutory preference for the least restrictive environment.

An example involving consideration of the least restrictive environment could involve a student who has (as his or her educational goal) the partial or total integration into the regular classroom. Utilizing the above-stated test, one could ask: But for extended school year services, will this child be able to experience reasonable progress toward that goal?

---

[7] Obviously, there cannot be a related service without special education. However, it is conceivable that, under the proper circumstances, a related service alone could meet the "but for" test. In this situation, the extended school year services would probably be confined to the related service. An example of this might be the selection, fitting and evaluation of a hearing device, which is geared to enable the child to benefit from classroom instruction. See WAC 392-171-320(1)(e).

This question places the emphasis where it should be, on the IEP process, as the driving force behind the delivery of services, while at the same time avoiding automatic classifications or categories which, in themselves, could be interpreted as being impediments to individual consideration.[8] This does not mean, however, that informal and flexible groupings of students, based on various factors, is inappropriate. Congress was aware of the financial burden imposed on states by the responsibility of providing education for handicapped children. Smith v. Robinson at 104 S. Ct. 3457, 3468, 3474 (1984). A reasonable and practical system of delivery of services therefore obviously requires organization.

CONCLUSION

The duty to provide a free appropriate education, under the EHA and state law, requires that the educational services be catered to meet the individual needs of the student. It has been consistently held that a maximum 180-day school year is inconsistent with this duty. Most of the cases have dealt with severely or profoundly impaired children. This does not, however, mean that educators may avoid their duty to consider the individual needs of all handicapped children when making determinations to provide extended school year services.

Courts have been reluctant to order extended school year services to particular students, preferring to place the primary responsibility for these decisions upon the educators. Indeed the Supreme Court directs courts to give deference to the special knowledge and expertise of local and state educators. Rowley at 206-208. This pattern is consistent with the emphasis on procedural compliance postulated in Rowley. As a result, school authorities are well advised to undertake their best efforts to make individualized determinations, regarding extended school year services, as is contemplated by federal and state law.

As a guideline in making these determinations, and in light of relevant case law, a "but for" test is suggested. This test is applicable to all special education services and related services.

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[8] The above discussion of rights under state law implies that state law places an even greater emphasis on individualized education than does the EHA. To the extent this is true, impediments to individualized instruction are even more suspect under state than under federal law.

Additionally, consideration must be given to the statutory preference for the "least restrictive environment."

Finally, where extended school year services are being provided to non-handicapped students, the law requires that there be no discrimination against otherwise qualified handicapped students, on the basis of their handicap.

I trust that the foregoing will be of assistance to you.

RV

RVJ

RVJ:kk

cc: Skip Patterson
Ralph Julnes

APPENDIX B

REVIEW OF LITERATURE

REVIEW OF LITERATURE

This brief review will attempt to acquaint the reader with a summary of available empirical studies pertinent to the central issues of extended year programming.

Over the years, a limited amount of research has been conducted on the degree of skill maintenance or skill loss for non-handicapped students in the basic academic areas of reading, language, and arithmetic. Morrison (1924) and Irmina (1928) reported general maintenance of reading skills over the summer, while Elder (1927) and Keys and Lawson (1937) actually reported some gain over the same non-instructional interval.

Brueune (1928) reported maintenance of language skills over the summer for non-handicapped students. However, more recent work by Keys and Lawson (1937) and Beggs and Hieronymus (1968) report significant losses in language skills following summer break.

The research on non-handicapped students' mathematics skill retention over the summer suggests a consistently significant loss. Brueune (1928), Schrepel and Laslett (1936), Keys and Lawson (1937), and Beggs and Hieronymus (1968) all reported significant losses in arithmetic calculation and/or reasoning upon student re-entry in the fall.

Thus, while the literature suggests non-handicapped students display significant skill losses after summer break in arithmetic, it is less conclusive in language skills. The available empirical data regarding reading skills suggest no loss and possibly some gain.

The nature of summer forgetting is even less clear than its occurrence or non-occurrence. In an attempt to assess the relationship between intelligence and summer forgetting, Kuhlberg (1934) found no significant correlation. Yet, Brueune (1924), Brueckner and Distad (1928) and Cook (1942) all reported a significant positive correlation between measured intelligence and retention. Tiedeman (1948) suggested such losses occur more readily for specific subject content, while Shrepel and Laslett's (1936) findings suggested losses in concept formation and generalization skills. Parsley and Powell (1962) and Soar and Soar (1969) contended that skill retention over summer break was a function of individual student characteristics interacting with certain classroom conditions.

As mentioned above, special educators have advocated summer or extended year programs for severely handicapped students to reduce or eliminate the "summer forgetting" problem. Fredericks, Anderson, Baldwin, Grove, Moore, and Beaird (1978), found a positive relationship between amount of instructional time and achievement gains with severely handicapped students. In a review of the literature on the efficacy of extended year programs, Magliocca (1981) reported that the literature is replete with reports of summer programming for handicapped children, almost all indicating significant growth in one or another of the skill areas for different categories of handicapped conditions. Behrens (1967) reported acceleration in language skill acquisition for hearing impaired children.

Bateman (1968) reported significant gains in cognitive and language process for retarded children in a six-week summer camp. Taylor and Pollock (1968) have shown similar gains for trainable retarded adults. Miller (1975) has further reported greater efficacy of extended programs for retarded pupils when compared to similar programs for otherwise handicapped children.

Numerous authors have reported significant or substantial gain during summer programs for a full range of handicapping conditions, and for all age ranges (Abordo, 1977; Baken, 1976; Brown and Andrews, 1968; Chorost, 1976; Ellis, 1975; Fox, Wright and Goldstein, 1967; Hourcase, 1977; Joiner, Lodato and Stillman, 1972; Minton, 1976; Polansky, 1979; Riegel and Taylor, 1973; Spivack and Kosky, 1972; and Starkovich, 1972).

Yet Magliocca concludes that most reports do not include as baseline, pupil performance levels at the end of the previous 180-day school year. While evidence of gain is available, the literature is conspicuously lacking conclusive data. Control studies with matched populations of handicapped children receiving and not receiving extended school year programming are absent in the research literature.

More recent studies support Magliocca's concerns. Ross (1982) compared the maintenance or non-maintenance of skills for multiply handicapped students who did or did not attend a six-week summer program. The findings revealed no significant difference between treatment groups on pre and post measures, prompting the conclusion that both populations did not "regress" or "acquire" new skills or behaviors; rather they maintained their spring student progress record scores.

McMahon (1983) evaluated the progress of 26 students recommended for and subsequently provided extended school year. This select subgroup of handicapped students (the more severely handicapped who were judged in need of extended school year by a multidisciplinary team) displayed a roughly 70 percent maintenance of skill during measured intervals regardless of instruction or non-instruction on skills. While non-maintenance of skills increased slightly during non-instructional periods, only a small proportion of these students displayed such "regression" of skills.

Turner (1983), speaking of his findings of nearly three years of study of over 5,000 mildly, moderately, and severely handicapped students reported that his research trends have revealed a low probability of substantial regression/ recoupment problems for the severely handicapped over the summer break.

Clearly, provision for a massive program of extended school year would be ill-advised if based upon the current state of research in this area. It has not been demonstrated that the vast majority of handicapped students display the presumed regression/recoupment problem. Furthermore, it is unclear how much regression and recoupment should warrant significant concern to special educators.

Reprinted from Cone T.E., Extended Year Program Task Force Report. State of Iowa, Department of Public Instruction, Des Moines, 1984.

APPENDIX C

SAMPLE DATA COLLECTION FORMS

This appendix contains examples of different methods of ongoing data collection. They are included to demonstrate some of the many methods of keeping data about student performance and progress. They are intended to be samples and ideas, not specific processes that must be followed.

EXAMPLE A

Report Form for Students Attending Regular Classes

Weekly School Progress Report

Student: Week of:

Courses	Perfect Attendance, if not please list dates absent	All Assignments Turned In	Acceptable Behavior in Class	Teacher's Signature and Comments

EXAMPLE B

Homeroom Teacher's Weekly Point Form

Progress Report

Student: Week of:

	Thursday	Friday	Monday	Tuesday	Wednesday	Thursday
Points Earned						
Points Possible						
Average Daily Percentage						Avg. % for week

Teacher's Comments:

Circle in red if attained honor roll

Counselor's Signature

DESCRIPTION: These two examples are useful for tracking student behavior on a weekly basis. Example B yields an average percentage for the week which can then be placed on an additional form or graph to determine trends over long periods of time.

A.B.C. DATA FORM

The Communication Program, the Experimental Education Unit
of the College of Education and the Child Development and
Mental Retardation Center, University of Washington,
Seattle, Washington 98195

NAME: STUART

DATE: MARCH 15

OBSERVER: LUCINDA

TIME: 10:15 a.m. - 10:30 a.m.

ANTECEDENT	BEHAVIOR	CONSEQUENCES
Tom walks by Stuart's desk.	Stuart strikes out at Tom.	Teacher verbally reprimands Stuart.
Teacher walks out of room.	Stuart leaves seat.	Other students tell Stuart to sit down. He doesn't pay attention.
Teacher returns to room.	Stuart returns to desk. Makes a great deal of noise.	Teacher verbally reprimands

The purpose of this form is to record observations to determine behavior patterns for a particular student or for several students.

MASTERY TEST DATA SHEET

CHILD Mark TEACHER Lucy SKILL AREA General

OBJECTIVE #'S 1 2 3

BI-WEEKLY ASSESSMENT

TEST DATE: 4/1 4/15 4/29

Terminated:

Initiated:

OBJECTIVE: 1

Student will pass bi-weekly science review test with 90% accuracy.

10	[✓ 10]	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
9	9	[✓ 9]	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
[✓ 8]	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

DAYS IN PROGRAM: 10 10 10

WEEKLY ASSESSMENT

Term:

Init:

OBJECTIVE: 2

Student will complete weekly sight word review with 90% accuracy.

10	10	[✓ 10]	[✓ 10]	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
9	[✓ 9]	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
[✓ 8]	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

DAYS IN PROGRAM: 5 5 5 5

DAILY ASSESSMENT

Term:

Init:

OBJECTIVE: 3

Student will complete daily math probe with 90% accuracy.

10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
9	[✓ 9]	[✓ 9]	9	[✓ 9]	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9	9
[✓ 8]	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8	8
7	7	7	[✓ 7]	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7	7
6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6
5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

DAYS IN PROGRAM: 1 1 1 1 1

DESCRIPTION: The Mastery Test Data Sheet can be used to collect monthly, bi-weekly, weekly or daily data on any number of tasks or skills. It is designed to allow for 10 trials per data collection date which easily translates into percentage information. Examples are provided for objectives to be measured bi-weekly, weekly or daily.

RAW DATA SHEET

Name Susie Smith

Date 1/7/85

Routine Motor Activities

Mgr. Name SH

Levels of Assistance
-Full Physical Assistance - FP
-Partial Physical Assistance - P
-Physical Prompt - PP
-Verbal Cue Plus Gesture - GV
-Verbal Cue - V
-Natural Cue or Independent - I

Latency None

tep (Please Number)	Level Assist.	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date
1. Can student throw ball?	GV	1/12	1/13	1/14	V 1/15						
2. Can student hop forward on one foot?	P	1/12	1/13	PP 1/14	1/15						
3. Can student use scissors to cut:											
a) straight line	PP	1/12	1/13	1/14	1/15	GV 1/16					
b) circle	FP										
c) square	FP										

NOTE: This form is designed to assist in measuring gradually diminishing cues when shaping desired student behaviors.

ESD #121

Preschool Incentive Grant

Credit: X yes ____ no

hild's Name Joey

ome Teacher's Name MO

eek of 10/24/84

ACTIVITY CHART:

EHAVIOR: Will count from 1 to 30 ach day and complete 2 Figure Ground ards counting hidden objects each ay.

RITE THE UMBER TO WHICH JOEY COUNTS:

rite the number of cards he completes.

cards	2	1	2	1	3	2	1	2
counts	1-21	1-40	1-32	1-40	1-40	1-43	1-44	1-40
	W	Th	F	S	S	M	T	W

Days

IRECTIONS:

ave Joey count as high as he can each day. If he skips a number, have im look at it on the number chart.

ick out 2 Figure Ground cards each day for Joey to complete. Begin with he lower numbered cards.

OTE: This form and the Weekly Activity Chart on the following page are designed to assist in tracking the attainment of relatively uncomplicated skills. The forms are self-explanatory.

WEEKLY ACTIVITY CHART

ESD 121 HOME BASED PRESCHOOL PROGRAM

STUDENT Crissy TEACHER LC

WEEK OF 10/18/84 CREDIT: YES x NO ____

TARGET BEHAVIOR:

Will draw a triangle when one has been drawn for her first.

HOW TO TEST:

Lay a piece of paper down between the two of you. Draw a triangle. Ask her to draw one next to it.

WHAT TO RECORD:

Make a ✓ each day she is able to draw a triangle correctly.

–	✓	✓	✓	✓	✓	✓	✓
Th	F	S	S	M	T	W	Th

HOW TO TEACH:

Talk about drawing a teepee Λ and adding a floor Δ.

Count the lines as you make yours and have her do the same. 1-2-3

Look around the house for things that are shaped like a triangle-trace then

READING SKILLS

Short-Term Objectives

Stephen will:

Target Date		
02/85	①	Correctly read 100/250 basic sight vocabulary words at a rate of 5 seconds/word.
11/84	②	Correctly read 25/37 direction words in 1 minute.
11/84	③	Correctly identify 45/57 abbreviations.
11/84	④	Correctly write and name expanded form of 25/35 contractions.
06/85	5.	Correctly identify 35/40 words frequently seen on signs.
03/85	6.	Read 100-word passage at 2nd grade level with 95% accuracy in 1 minute.
04/85	⑦	Verbally answer comprehension questions at 2nd grade level with 80% accuracy (after reading passage orally).
05/85	8.	Read at one grade level below comfortable reading level from 30 to 50 correct words/minute.
11/84	⑨	Auditorily discriminate correctly alike/different words for 20/26 sounds.
06/84	⑩	Auditorily recognize 20/21 initial consonant sounds.

Note: Circled objectives are those successfully completed by target date.

Adapted from Brigance Diagnostic Inventory of Basic Skills.

Pupil: Maude McGillicuddy

Date:	3/4	3/5	3/6	3/7	3/8	3/11	3/12	3/13	3/14	3/15	3/18	3/19	3/20	3/21	3/22
Spelling Words										M					M
thought	X	O	X	X	X					X					
through	O	X	O	O	X	X	X								X
great	X	X	X							X					
[illegible]	X	X	X												X
there	X	X	X												X
these				O	X	X	O	X	X	X					
where				O	X	X	X								
[illegible]				X	O	X	X	X							X
[illegible]						X	O	X	X	X					
[illegible]								X	O	O	X	X	X		X
Sunday								O	X	X	O	X	X	X	
Tuesday									X	X	X				X
Wednesday											O	X	X	X	
evening											O	X	X	X	
beginning												O	X	O	X

X = correct
O = error
M = weekly maintenance check

This form illustrates a simple daily data collection system.

The student's objective is "Given 5 dictated spelling words, Maude will write the words correctly on 3 consecutive school days."

X = word spelled correctly

O = word spelled incorrectly

M = maintenance check

New words are added to instruction as the student reaches criteria; note that this student works with 5 words per day.

Once a week the student is tested on a random sample of words she learned to criteria to determine whether she is retaining the correct spelling.

The form could easily be adapted to weekly data.

APPENDIX D

SAMPLE IEP AND IEP ADDENDUM FORMS

There are several ways for district staff to document the provision of ESY services.

1. If the MDT, during an initial assessment, postponed its recommendation regarding an ESY until May and an IEP was written that did not include ESY services, the district may choose one of the following two procedures:

   a. The IEP committee [including parent(s)] may complete an IEP addendum to describe just the ESY program. A sample addendum follows on Page D-2.

   b. The district could send the parents written notice regarding proposed changes of program (ESY service) along with a summary of parents' rights and procedural safeguards. The notice must address requirements of WAC 392-171-521, -526 and note nature, duration, and frequency of ESY service. The notice must be given to the parent in a reasonable period before the proposed program begins to ensure the parents have the opportunity to participate in the decision. Also, parents must be given opportunity for an IEP meeting as required by the Division of Assistance to States (DAS) Federal Bulletin 64.

2. If the IEP committee develops the ESY program concurrently with the program for the regular 180-day school year, the ESY program could be described on the standard IEP form. A sample program description form follows on page D-3.

INDIVIDUALIZED EDUCATION PROGRAM

(page 2 of 3)

Student: Mathilde Queensland

Student UID: [illegible]

Date of Birth: 12-8-78

Current Assignment:

IEP Conference Date: 5-8-85

IEP Review Date: 5-8-86

The Individualized Education Program is a written commitment of the resources necessary to enable a child to receive special education and related services appropriate to individual need. It reflects both school and parent input in defining the needs of the child, in determining the appropriate program and services to be provided, and in establishing reasonable expected outcomes as a result of participation in an Individualized Education Program. Unless specifically noted in the IEP, the services and program prescribed shall be in effect during the school district's regular calendar year.

PROGRAM DESCRIPTION

	Initiation Date	Anticipated Duration	Hours Per Week	Total Weeks Of Service
Describe the specially designed classroom program to be provided.				
Resource room - math and reading	5-9-85	5-8-86	7 1/2	
Describe the additional specially designed instruction/related services to be provided.				
Physical therapy	5-9-85	5-8-86	1	
Physical therapy	6-20-85	8-15-85	1	8
Describe the extent of the regular education program to be provided.				
General education classroom	5-9-85	5-8-86	22 1/2	

Indicate type of physical education to be provided:
Special ☒ Regular ☐ P.E. Requirement completed ☐

Indicate type of vocational/career program to be provided:
Special ☐ Regular ☐ (14 years and above) ☐

PARENT PARTICIPATION Describe plans for parent participation in implementing the student's Individualized Education Program:

Parents will read a story with Mathilde one night per week.

I.E.P. ADDENDUM

Student's Name: Simeon Groundswell
I.D. Number: 007
DOB: 9-29-75

School: Gopher Creek Elementary
Grade: 4

PROGRAM DESCRIPTION

The program described below is an addition to the IEP dated 3-25-05. This program is designed to address specific goals and objectives listed on the I.E.P.

Describe the specially designed instruction and/or related services to be provided	Initiation Date	Completion Date	Program Length/Hours Per Week	Total Weeks of Service
P.T. services at home	6-20-05	8-15-05	2	8

PARENT PARTICIPATION: Describe plans for parent participation in implementing the program:
Parents will use therapy techniques at home as instructed

TRANSPORTATION: Describe the transportation plan for this program:
None

I.E.P. ADDENDUM PARTICIPANTS

Barbara Groundswell parent
Signature and Position

Edward O'Keefe, PT
Signature and Position

[illegible]
Signature and Position

[illegible], Classroom Teacher
Signature and Position

PARENTAL DECISION

My rights and responsibilities have been shared with me in writing in a manner which I fully understand.

I have had the opportunity to participate in the development of the Individualized Education Program for my child and agree with its contents. I fully understand my child's present levels of performance and understand all programs and services which will be provided. I have participated in the development of the annual goals and objectives and I understand that the short term objectives which I have reviewed will be revised as progress is demonstrated toward the attainment of annual goals. I am aware that my participation and cooperation is needed if the Individualized Education Program is to be successful and I offer my support. I grant permission for my child/ward to participate in all aspects of this program. I understand that the program will be reviewed no later than one year from the date of my signature and that I will be notified if major changes in the program are necessary.

APPROVAL: Parent/Legal Guardian Barbara Groundswell Date: 6/20-05

REJECTION: Parent/Legal Guardian ______________ Date: ______________

APPENDIX E

SAMPLE DISTRICT IMPLEMENTATION PLAN

SAMPLE DISTRICT IMPLEMENTATION PLAN

There are a number of factors to consider as districts prepare to implement ESY services. Because these factors will often vary from district to district, one plan cannot meet the needs of all districts. Each individual district must develop its own ESY process for all special education programs. The procedures described in the following paragraphs are one example of a small district's plan for determining whether students need an extended school year and the process for developing appropriate services.

DEFINING INDIVIDUAL STUDENT NEEDS:

1. By mid February, screening forms for the consideration of students needing an ESY will be distributed to all special education instructional staff and therapists.
2. Each staff member must complete a form for each student served. (Some students will have more than one service provider and thus have several forms submitted to reflect various areas of service.) The screening instrument is designed to substantiate either the lack of need for ESY services or to recommend further consideration by the MDT.
3. All screening forms must be returned to the special education administrative office no later than the second week of March. Forms will be separated and reviewed on a building by building basis. Forms that indicate a lack of need for ESY will be returned to the building MDT's for review and team signatures. Then the forms will be filed in the student's special education file as documentation that the student was individually considered for ESY services.
4. Special education administrative staff will compile a list of those students requiring additional consideration and analyze possible service needs. This will enable the administration to define:
   a. parameters of the possible range of service needs; and
   b. the possible number of students.

   Concurrently, building level staffings will be scheduled.
5. Each building MDT together with a special education administrator will review the screening instrument completed by the service provider(s) and any additional data pertinent to determining need for ESY. Data used to determine need or the lack of need for ESY will be recorded on a Record of MDT Action form.
6. For students needing an ESY, the MDT will recommend and record the nature, duration, and frequency of service needed to assure reasonable progress toward critical goals and objectives. For students who do not need an ESY, the MDT will record that decision.
7. File both the Extended School Year Screening form and the Record of MDT Action form in the student's special education file.

DEFINING DISTRICT-WIDE SERVICE NEEDS:

1. Following the staffing of students under consideration for ESY the administration will make a list of students recommended for service.
2. District administrators and representatives from the various disciplines will then determine possible service delivery options considering the number of students identified; the nature, duration, and frequency of service needs; the age range of the identified population; least restritive environment concerns; and transportation requirements.

CHOOSING SERVICE DELIVERY OPTIONS TO BEST ADDRESS IDENTIFIED NEEDS:

1. With the completion of the analysis of recommended service needs, delivery options will be prepared for consideration by the various IEP committees.
2. These options will address needs identified in building staffings.

DEVELOPING STAFFING PLANS:

1. Following the development of service options, preliminary staffing plans concerning number and type of staff will be developed.
2. Input from special education representatives from the teachers' association and any other affected bargaining units will be addressed.
3. Final staffing plans will be developed after parents have been involved in the IEP process.

ENSURING PARENT INVOLVEMENT IN PROGRAM DEVELOPMENT:

1. As the Spring IEP conference commences, special education service provider(s) will explain to the parent(s) the district's process for considering each student's need for ESY services.
2. Recommendations for ESY services should be shared with the student's parent(s) and an appropriate extended year program developed as part of the student's total individualized education program. As during the 180-day school year, parental support and involvement are vital to maximal student progress. Thus parental participation in a student's ESY program should be considered a high priority.
3. In cases where students demonstrate a lack of need for ESY, documentation of student consideration should be noted on the IEP.

PROVIDING SERVICE:

As determined by each student's IEP, appropriate services designed to assure reasonable progress toward critical goals and objectives will be provided.

DOCUMENTING STUDENT PROGRESS DURING ESY PROGRAM:

Just as during the 180-day school year, documentation of ongoing student progress is essential to appropriate programming during the provision of ESY services. Therefore, all ESY staff will use the district's system of continuous measurement throughout the student's instructional program. In addition to providing data for instructional purposes, the continuous measurement system should be useful in determining continued need for ESY programming.

APPENDIX F

REVIEW OF IOWA ESY PILOT STUDY

REVIEW OF IOWA ESY PILOT STUDY

During 1983 the state of Iowa conducted a study for two reasons:

A. to determine the extent of maintenance or nonmaintenance of critical skills on the IEP following summer break; and

B. to determine the amount of time necessary to reteach those skills to their pre-break level.

The study was designed to gather data on a 2% random sample of the moderately to severely handicapped students across all handicapping conditions. Data were collected on IEP goals (similar to measurable objectives in Washington state) in May 1983 and September/October 1983. If students regressed in any skill, staff re-taught that skill and recorded data on the length of time in total hours required to return the student to the same percentage of accuracy as assessed in May 1983. The final student sample included the following:

	N	Sample Percentage
Mental Disabilities (Moderately to severely retarded)	75	64.1
Behavior Disabilities	22	18.8
Hearing Impaired	10	8.5
Physical Disabilities	7	6.0
Visually Impaired	2	1.7
Communication Disabled	1	0.9

Dr. Tom Cone was hired by the Iowa State Department of Education to review the data. Dr. Cone noted that a short time frame, lack of fiscal resources, and limited training opportunities affected the study. He further noted several limitations:

1. A non-stratified sampling procedure resulted in the vast majority of the sample being moderately/severely retarded students.
2. It is difficult to assess the importance of any observed change from May to September due to no collection of data at other equal intervals.
3. It is difficult to determine the "significance" of any non-maintenance because data was not gathered on regular education and mildly handicapped students.

4. The data reporting procedures had inconsistencies in documentation of measurement units, possible biases in goal selection, and no systematic method for defining summer interventions that may have affected September performances.

Nearly one-half of all goal targets were academic; others ranged from self-help to basic communication goals.

Dr. Cone cautioned that although "generalizability of the findings is necessarily restricted, there are a number of interesting trends. . ." (Cone, p. 25). Some trends noted include the following:

1. The students displayed very little non-maintenance of skills from May to the following September (Median = 0, x = 2 to 3 percent negative change in performance).
2. The students typically required only short periods of skill retraining in September to equal May performance (Median = 0, x = 3 hours).
3. The more severely handicapped students displayed slightly less percent of negative change on reported goals, but required slightly more retraining for non-maintained skills.
4. While the magnitude of change appeared to be stable across grade levels, the amount of retraining required to achieve May competency seemed to increase as the sample ascended in grade level.

APPENDIX G

SURVEY OF STATE SPECIAL EDUCATION DEPARTMENTS

PROJECT FORUM 1983 REPORT: NASDSE

SURVEY OF STATE DEPARTMENTS OF SPECIAL EDUCATION

Special Education Departments across the country were surveyed to determine the status of the extended school year issue in each state. Respondents, typically state directors of special education, were asked to provide information on the following questions:

1. Does your State have an extended school year policy?
2. If yes, have you adopted Statewide procedural requirements?
3. Has the State established or suggested eligibility criteria?
4. How are services delivered?
5. Who funds ESY services?
6. Has the State been involved in any litigation pertaining to the ESY issue?

Forty-one states responded to the telephone survey. Specific responses for each state are included at the conclusion of this report. Summary analyses of all responses are provided in the following paragraphs.

Question 1: Does your State have an ESY policy?

Yes: 18
No: 23

Question 2: Is ESY delineated in terms of procedures and requirements?

Yes: 22
No: 19

Question 3: Has the state established or suggested eligibility criteria?

Yes: 34
No: 7

A variety of answers were received for this question. Several states responded that eligibility decisions are left to the IEP committee. Some states restrict eligibility to severely involved (SMH/SED) students who demonstrate regression-recoupment problems. Other states leave eligibility open to any special education student who needs ESY. In addition, certain states use the eligibility criteria outlined in the original Armstrong v. Kline case (1979). A few states automatically extend the school year from 180 to approximately 230 days for all severely handicapped students. One state allows parents, in cooperation with the IEP committee, to make the decision about whether a student requires ESY.

Question 4: What are the typical service delivery methods used by local districts in your State?

The most common responses to this question were center-based programs and home-based programs. Several states use a combination of center-based, home-based and contractual arrangements including private placements and individual therapy. Many states use center-based programs as the only option with a few exceptions in providing home-based services for children under five. Several states offered information on length of ESY programs. The range extends from 4 weeks of half-day instruction to 12 weeks of full-day instruction with the most common being 4 - 6 weeks of half-day instruction. Certain states determine program length by student need and therefore do not prescribe or impose arbitrary limitations on the length of the extended school year. Most state directors who responded to the survey did not have information on the number of students identified as requiring ESY. The reader is therefore referred to the Project Forum report from The National Association of State Directors of Special Education (NASDSE 1985) for incidence statistics*. However, of the few states which have such statistics for 1983-84, the range is a low of 11 students in North Dakota to a high of over 20% of special education students in Hawaii. Typically, however, percentages of students requiring ESY range from 1-5% of all special education students.

*Note: This report includes information on ESY practices in several districts throughout the United States. A copy of the report is included in this appendix.

Question 5: Who funds ESY services in your State:

Most common response: - local;
Second most common response: - state;
Other sources of funds include:
- federal flow through monies;
- combination of local/state funds; and
- 89-313 monies.

Question 6: Has your State been involved in litigation pertaining to the extended school year issue?

Eight states responded affirmatively to this question. The cases described include all of the major ESY litigation. Several states that have not been involved in litigation did mention that they had been involved in due process hearings that were successfully resolved before reaching the courts.

Conclusion

In summary, it appears that most states at least have permissive ESY policies and allow local education agencies to determine eligibility generally through the IEP process. Service delivery is typically center-based with alternatives such as home-based services and contractual arrangements used when necessary. Funding occurs through a variety of local, state and federal options. Most states have not been involved in litigation, but several states have been involved in due process hearings pertaining to the extended school year issue.

State	Has ESY Policy	Proc. Devp.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
Alabama	No	No	IEP team decision		State/local combination; limited funding	Campbell v. Talladega Co. Schools
Alaska		Left to IEP committee	Open to all; mostly severe students showing regression served	4-6 wks 1/2 day in urban areas; some rural districts use itinerant aides or therapists. Not all rural districts have ESY.	All ed. in Alaska funded by State	No
Arizona	No	No	IEP decision	Center-based if offered	District funds	
Arkansas	No response					
California	Yes	Yes	a) Any special ed. student in need b) Severe students with R-R problems	Continuation of IEP	State special ed. formula pays 80%	No
Colorado	Permis-sive	No decision	IEP determines need	1. Center-based 2. Contractual	Local funds & 94-142; State picks up excess costs	No

State	Has ESY Policy	Proc. Reqs.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
Connecticut	Permissive	No	IEP decision based on student needs as defined by placement & planning teams		Local	
Delaware	No but support	No	Severe students who experience regression	Center-based (227 days for severe students)	State assistance for personnel costs	No
Florida	Permissive	No rule but do provide T.A.		1. Center-based 2. Contractual	Education Finance Program	
Georgia	No	An option that must be considered	Only for severe students; IEP team decides if regression problem	1. Center-based 2. Home-based 3. Contractual	Local school district--some State funds; Funding formula in process of being developed	G.A.R.C. v. McDaniels
Hawaii	Yes	Yes	IEP related based on regression, ed. benefit, and critical skills	Center-based 6 wks-6 hrs per day standard; can extend beyond if determined necessary by IEP team	State special ed. funds	Lee v. Thompson

State	Has ESY Policy	Proc. Reqs.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
Idaho	No response					
Illinois	Yes	Requires services for regression	Armstrong V. Kline--MDT determines need/IEP determines placement	1. Continuation of reg. 2. Center-based; 3. Contractual for some students; 4. some private placements	State reimburses for personnel & transportation at 80%/50% for private placements	No
Indiana	No	No	Armstrong V. Kline		83-313 funds	No
Iowa	Yes	Yes	Regression/ recoupment problem	1. Center-based 2. Home-based 3. Contractual	State/local	
Kansas	No response					
Kentucky	No	No	IEP decision	1. Center-based 2. Home-based	Local	
Louisiana	Yes	Yes	All special ed. students based on regression/ IEP decision	6 weeks: 1. Center-based 2. Co-operative, home-based, individual therapy, etc.	89-313 funds for some; state funds for severe students	No

State	Has ESY Policy	Proc. Reqs.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
Maine	No response					
Maryland	No response					
Massachusetts	Yes	Yes	IEP decision	1. Center-based 2. Home-based		
Michigan	Yes	Yes	A) 230-day minimum (1,150 hrs.) SMR/SMH B) IEP for others	Under age 5--home based 5 years and older equal center-based	State general + added costs for handicapped students + local/federal $'s.	No
Minnesota	Pending					
Mississippi	Yes	Yes	IEP team decision/regression-recoupment	1. Center-based 2. Home-based	State/local	Crawford V. Pitman
Missouri	Yes	Yes	Regression-recoupment; critical learning periods	3-4% of special ed. students--1/2 day program for 6 weeks (some 10 weeks & all summer programs); 1. Home-based 2. Center-based	State basic aid	Yarris v. St. Louis Co.

State	Has ESY Policy	Proc. Reqs.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
Montana	Yes	Administrative rules	Regression-recoupment & other considerations	1. Contract w/ agencies 2. Residential placements 3. Home-based 4. Center-based	State funds-80-85%	No
Nebraska	No	Permissive	District discretion		Local	
Nevada	No	Permissive			Local/state	
New Hampshire	No	State standards	IEP committe decides	1. Center-based 2. Home-based 3. 12 mo. in residential placements	P.L. 94-142 and local districts pay 90%; State special ed. monies may be involved	No
New Jersey	No response					
New Mexico	No response					
New York	No response					
North Carolina	No	Permissive	IEP team decision		No State funds may be used; local/federal $'s	
North Dakota	Yes	Yes	Regression-recoupment based on MDT recommendation	Minimum of 10 weeks; minimum of 3 hrs/day 1. Home-based 2. Center-based	Regular State monies; State pays 60% of excess cost for ESY services	No

State	Has ESY Policy	Proc. Reqs.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
Ohio	Yes	Pending	IEP decision			
Oklahoma	Not specifically	State law enables permissive ESY up to 40 days	IEP team decision based on regression recoupment	1. Center-based 2. Home-based 3. Individual therapy	State funds on per pupil basis	Currently Oklahoma City V. Robinson; 10th Circuit C in Denver
Oregon	Permissive	No	Parent/school district decision (IEP committee); parents must give adequate notice	Depends on nature of necessary treatment: private programs, co-ops, contracts with other districts, etc.	Totally district responsibilities; gen. handicapped child programs reimburses 13-14¢ on the dollar; district may use Chapter I monies	No
Pennsylvania	Yes	Yes	Regression-recoupment	1. Home-based 2. Center-based	No State funds; PL 94-142 flow-through $'s	Armstrong V. Kline
Rhode Island	Yes	Yes	Regression-recoupment, irreparable harm/SMH,SP; other disabilities go through a due process hearing	1. Center-based 2. State institutions	Local districts (reimbursement partially from State)	

State	Has ESY Policy	Proc. Reqs.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
South Carolina	No	No				
South Dakota	Permissive	No, district discretion	Regression-recoupment; educational benefit	1. Contracts w/specialists 2. Home-based 3. Center-based	Through State aid to special ed.; districts report expenditures + reimbursed 50%	
Tennessee	No	No	IEP decisions	Primarily center-based	Local/federal/ State funds	No
Texas	Yes	Yes	Varies from district to district; regression a factor	1. Co-operatives (rural districts below 3,000 + must be in co-ops) 2. Home-based 3. Center-based 4. State schools	P.L. 94-142/local funding for direct service + student eval.	No
Utah	Yes	Yes, currently being revised	A. IEP B. LRE C. MDT recommends D. IEP team develops program	1. Home-based 2. Center-based (have developed recoupment guidelines)	School finance board (State)	No
Vermont	No response					
Virginia	No	Permissive				

State	Has ESY Policy	Proc. Reqs.	Eligibility Criteria	Methods of Ser. Delivery	Funding	Litigation
West Virginia	Yes	Yes	Based on Armstrong V. Kline; consider all special ed. students; determined through placement advisory committee (PAC)	1. Center-based; 2. Related services 3. Consultant	Federal 6-B monies at 80%	Staker V. West Virginia upheld state positions as did OCR
Wisconsin	In process	In process	5 considerations	Haven't implemented program yet	Uncertain	No
Wyoming	No response					

SUMMARY OF LOCAL EXTENDED SCHOOL YEAR PROGRAMS/PRACTICES

FEBRUARY, 1983

The following 1983 NASDE report provides information about extended school year or summer services in a sample of local education agencies and intermediate education units during the 1981-82 school year. It is important to note that each state's definition and parameters of extended school year may be unique and not the same as Washington's.

INTRODUCTION

This document provides brief descriptive information on extended school year services in a sample of local education agencies (LEAs) and intermediate education units (IUs) during the 1981-82 school year. This information was obtained from districts affiliated with Project FORUM in response to several inquiries from other LEAs and IUs which participate in the project. The information requested from districts included the types and numbers of handicapped children receiving extended school year or summer services, the types of services being provided, the service schedule and the criteria used by districts in determining eligibility for extended school year services. This report is organized into two sections. The first summarizes information on services across districts. The second section provides information by district and is presented in chart form.

SUMMARY

Information on extended school year services was provided by 41 LEAs and IUs. Of these districts, 33 (80%) report they provided services in the summer, 1982 to children with handicapping conditions; the remaining eight (20%) provided no summer programming for handicapped children. It is important to note that nine of the 33 districts which reported providing extended school year services are located in Pennsylvania, site of the 1979 Armstrong v. Kline decision. As a result of this decision, school districts in Pennsylvania are required to provide special education and related services in excess of 180 days to handicapped children who meet the court established standard for eligibility. This standard and guidelines issued by the Pennsylvania Department of Education for implementing the standard are included as Appendix A of this report.

Despite the heavy representation of local districts in Pennsylvania among the districts providing information on their extended school year practices, the majority of responding districts are delivering summer services to handicapped children. When the Pennsylvania districts are removed from those sampled, 75% of the remaining 32 districts provided extended school year services. Although neither Project FORUM nor NASDSE have recently analyzed current state policies regarding the provision of extended school year services, we are aware that increasingly state education agencies are establishing such policies whereas several years ago such policies existed primarily at the local rather than state level. We view the provisiom of extended school year programs in three-quarters or more of the sampled districts as a logical consequence of what we believe to be increasing state policy imitiatives in this area, a variety of recent court decisions, and a growing demand for extended year services at the local level.

Children Served. Although across the districts children with all types of disabilities were served, the majority of districts provided summer programs for children with more severe handicapping conditions, predominantly those with severe mental retardation and the multiply handicapped. Twenty-seven (27) of the 33 districts which served handicapped children in the summer, 1982 indicated the percent of the handicapped student population served in summer programs. Percentages of children served ranged from less than 1% to 27%; nearly three quarters of these districts provided services to 5% or less of their handicapped population. One third (9) off the districts served fewer than 1% of their handicapped students in summer programs, 41% (11) served between 1% and 5%, 15% (4) served between 6% and 10%, and the remaining 11% (3) served between 21% and 27% of their handicapped students in summer programs.

Service Provision and Schedule. Services offered by districts during the summer months included academic instruction, recreational activities and related services. While some districts reported offering a limited program, many provided a full range of services based on student needs stated in IEP documents. The programs offered vary widely in terms of setting and schedule. Most of the districts delivered services in public school facilities and, to a lesser extent, in community and recreational/camping settings. In addition, a few districts provided home-based instruction for some children. Six-week summer programs were offered most frequently, with sessions operated four or five days a week for either a half or full day. However, across districts the program schedule varied, largely depending on the needs of the children served.

Eligibility Criteria. The nature and specificity of criteria reported by districts for determining eligibility for extended school year services is highly varied. The most frequently used criterion was anticipated pupil regression without substantial recoupment in progress towards self-sufficiency (see Appendix A). However, variation was found among districts using this criterion in terms of their reliance on established standards and professional judgment in making eligibility determinations. Use of the regression/recoupment criterion was reported by 16 or 39% of the 41 districts reporting. Four of the districts (10%) offered extended school year services to all handicapped children and another five (12%) offered summer services to all children with certain handicapping conditions, such as the severely multihandicapped. Eight districts (20%) provided summer services if they were specified in the child's IEP or upon parent request. The remaining 8 districts (20%) had established no specific criteria for determining eligibility for extended school year services.

DISTRICT SUMMARIES

For each of the 41 districts which provided information on extended school year services, the charts in this section which follow contain the following, where such information was reported:

- Name and location of district;
- Size of handicapped school population;
- Type of education agency;
- Categories and number of children served in extended school year program in the 1981-82 school year; and
- Brief description of services provided, program schedule and eligibility criteria.

SUMMARY OF EXTENDED SCHOOL YEAR PROGRAMS, 1981-82 SCHOOL YEAR

U = Urban
S = Suburban
R = Rural

IEU = Intermediate Education Unit
Coop = Cooperative or Collaborative Education Unit

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
ARIZONA	Mesa Unified School District #4 3,797	LEA	USR	X		145 students served; 4% of the special education population. Deaf ED SH TMH EMH LD	Summer school is available to all children, handicapped and nonhandicapped. The program is provided at a cost to the parents of $170 per child. The program lasts for 5 weeks for 1/2 day, 5 days a week. The local education agency pays any excess costs which occur in the summer special education program.
	Phoenix Elementary District #1 952	LEA	U		X	No children served.	There are 13 independent elementary districts in Phoenix. Some of them may be providing ESY Services; the majority are not.
CALIFORNIA	Los Angeles Count Schools 41,000	Coop	USR	X		Approximately 97% of the severely handicapped and 80% of the non-severely handicapped participate.	Two ESY sessions are offered: (1) a 24 day session open to all severely handicapped and non-severely handicapped students, and (2) an additional 20 day session open only to severely handicapped. Parents of SH students are afforded a choice of sessions, or a combination of both sessions. The full day programs extend the services provided during the regular academic year, including all related services. *Criteria*: ESY services based on IEP and parental request.

SUMMARY OF EXTENDED SCHOOL YEAR PROGRAMS, 1981-82 SCHOOL YEAR

U = Urban
S = Suburban
R = Rural

IEU = Intermediate Education Unit
Coop = Cooperative or Collaborative Education Unit

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
ARIZONA	Mesa Unified School District #4 3,797	LEA	USR	X		145 students served; 4% of the special education population. Deaf ED SH TMH EMH LD	Summer school is available to all children, handicapped and nonhandicapped. The program i provided at a cost to the parents of $120 per child. The program lasts for 5 weeks for 1/2 day, 5 days a week. The local education agenc pays any excess costs which occur in the summe special education program.
	Phoenix Elementary District #1 952	LEA	U		X	No children served.	There are 13 independent elementary districts in Phoenix. Some of them may be providing ESY Services; the majority are not.
CALIFORNIA	Los Angeles County Schools 41,000	Coop	USR	X		Approximately 97% of the severely handicapped and 80% of the non-severely handicapped participate.	Two ESY sessions are offered: (1) a 24 day session open to all severely handicapped and non-severely handicapped students, and (2) an additional 20 day session open only to severel handicapped. Parents of SH students are afforded a choice of sessions, or a combination of both sessions. The full day programs extend the services provided during th regular academic year, including all related services. Criteria: ESY services based on IEP and parental request.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
CALIFORNIA	Long Beach Unified School District 3,500	LEA	U	X		728 students served; 21% of the special education population. Learning Handicapped (223); Deaf/Hard of Hearing (31); Aphasia (85); Autism (31); Trainable Mentally Retarded (135); Visually Handicapped (10); Orthopedically Handicapped (88); Severely Developmentally Delayed (125).	Classroom instruction follows school year model. Schedule varies by severity of condition: 8:30 - 2:00/day (severely handicapped) 8:00 - 12:30/day (other)
COLORADO	Mesa School District #51 1,353	LEA	S	X		40 students served; 3% of the special education population. Severe Mental Retardation (15) Severe multiple (8) Deaf (12) Physical (5)	The ESY program served approximately 40 students during the summer of '82 in a combined classroom and community based setting. The program ran three full days per week for six weeks and included language experiences, speech/language services, recreational activities and some instruction extending the child's IEP. Criteria: Criteria are not formalized. The program was established as a cooperative venture between parents and the school system.
	Northeast Colorado BOCES 375	Coop	R		X	No children served.	Currently there is no demand for ESY services. A local community center provides summer activities for lower level students.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICES DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
GEORGIA	Newton County School System 1,198	LEA	S	X		No children served.	Services would be available to children who qualified by regression/recoupment criteria. No children qualified last year. Also, parents were provided an opportunity to enroll their children in a summer program but no parents requested the program.
IDAHO	Boise Schools 2,400	LEA	U	X		125 students were served; 5% of the special education population. All categories except gifted and talented and visually impaired were served.	ESY programming is offered to students served in special education self-contained classrooms. The program combines inservice to teachers with service to students, and runs for 1/2 day sessions. Each summer program has been thematic in design; the 1983 theme had a vocational orientation. Criteria: ESY available to students based on parent's request for students who have been in self contained classes during the current school year.
	Bonner County School District #82 384	LEA	R		X	No children served.	There has currently been no demand to provide ESY services.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
ILLINOIS	Northwest Suburban Special Education Organization 11,500	Coop	S	X		725 students served; 6% of the special education population. TMH (176) S/PMR (50) Vision impaired (28) Severely profoundly behavior disorders (226) Noncategorical preschool (53) Severe learning disabilities (133) Physically handicapped (24) (Hearing impaired children are not served by the IU but by another program)	ESY program includes classroom instruction tailored to the child's IEP including related services. Program is 5 weeks long; children preschool through junior high attend 4 hrs./day and high school students attend 5 hrs./day. Outdoor education provided in conjunction with the summer school special education program. Criteria: Eligibility criteria follow those identified in Armstrong v. Kline (regression/ recoupment).
	Springfield Public Schools #186 2509	LEA	U	X		250 students served; 10% of special education population. SPH (85%-90% of this population was served)	ESY program is available primarily to the SPH population, and runs 6 weeks for half days. The emphasis of the program is primarily therapeutic; all related services are provided. (NOTE: They have had ESY requests for other handicapping populations which they have accomodated.) The program is offered at no cost to parents. Some funding is provided by the SEA, and any additional expense is paid by the LEA. Criteria: Parental request
MASSACHUSETTS	Andover Public Schools 800	LEA	S	X		4 students served; .5% of the special education population. Severely handicapped Severely retarded	ESY program runs 6 weeks for full days and emphasizes independent living and recreational activities in a camping enviroment. In addition, local community service organizations cooperate by providing additional programs for the retarded. Related services are provided if specified in student's IEP. Criteria: (1) Student must meet eligibility criteria for the SH program; and (2) parental request.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
MASSACHUSETTS	Braintree Public Schools 826	LEA	S	X		10 students served; 1% of the special education population. MH	Of the 10 students receiving ESY services, eight are served in 12 month residential programs and 2 receive special ESY service through the LEA to minimize substantial regression.
	Brockton Public Schools 1,853	LEA	U	X		115 students served; 6% of the special education population. MR 100 MH 15	Summer Education Programs. Chapter 766 Regulations restrict summer education programs to children in 502.5 (day school programs) and 502.6 (residential school programs) prototypes; however, because there is a recognition that some children in a 502.4 (substantially separate programs) prototype may need educational programming through twelve months, the following guidelines and procedures have been established to respond to individual requests. A. Eligibility 1. Students in 502.5 (day school) and 502.6 (residential school) program prototypes whose educational plans call for either a 12-month program OR a program with a summer educational component. (This may include Division-funded grandfathered students for whom it may be necessary to file SPED transfer forms.) 2. Students in 502.4 (substantially separate) program prototypes, including collaborative programs, whose educational plans call for a summer educational component. These must be applied for through a "204" (implementation in a manner different from that required by Chapter 766 regulations) request from the LEA to the SEA Regional Office. 3. Students in 502.7 (home, hospital, regional adolescent) program prototypes are NOT eligible for summer services. B. Summer Recreation Programs. State regulations authorize cities and towns to establish summer recreation programs for children with special needs. The Department of Education has over many years, encouraged the establishment of these programs, and last year promulgated guidelines for the programs.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
MASSACHUSETTS	Worcester Public Schools 3,700	LEA Coop	U	X		All categories (99% of the SI and M populations; 40% of the ED population, and 90% of the deaf population.)	ESY program runs 6 weeks for 5 hours/day. Services are provided in a camp setting but include academic and all related services as identified by IEP. In addition, other students may be on contract in 12 month facilities.
MICHIGAN	Lenawee Intermediate School District 1,369	IEU	R-small town	X		51 students served; 4% of the special education population, including: Severely multiply impaired (9) Severely mentally impaired (12)	ESY is mandatory under state special education rules for the severely multiply impaired and severely mentally impaired students. Classroom instruction and related services are provided to severely handicapped children 230 days/year with full day programming. The publi schools also provide a camp enrichment program for PH and TMR children. (A summer enrichment program for severely emotionally impaired children is available through the mental health agency).
NEBRASKA	Bellevue Public Schools 950	LEA	S	X		95 students served; 10% of the special education population. MI Mod/Severe LD Mod/Severe MR	ESY program runs 6 weeks for 1/2 days, and is primarily instructional with some related services such as speech, OT, PT. Criteria: ESY services available tuition-free to all LEA students whose parents desire it.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
NEBRASKA	Lincoln Public Schools 2,530	LEA	U	X		All categories (almost 100% of the MR, SH, and MI populations attend; fewer attend from the other populations.)	ESY program is available to all students. The program runs 6 weeks for half days; academic and recreational activities are offered Criteria: special education eligibility
	Westside Community Schools 600	LEA	S	X		159 students served; 27% of the special education population. Severe MR (10) Mod MR (45) Mild MR (10) Severe LD (25) Mild-Severe SH (40) Mild-Severe ED (6) Mild-Severe CH (5) Mild-Severe VI (10) Mild-Severe AH (8)	ESY program ranges from a 4 week, half day program to a weekly maintenance program all summer long. A full range of instructional and related services are provided. Criteria: IEP, teacher request, parent request
NEW JERSEY	Orange County 475	LEA	S		X	No children served.	Applications for summer school programming are are reviewed on a case by case basis. To date none of the children have qualified for extended school year services. All severely profoundly handicapped children are served through the Division of Youth and Family Services for 12 month programming.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
NORTH CAROLINA	Greenville City Schools 892	LEA	U		X	No children served.	To date there has been no demand for ESY services. The public school does not provide services for any children after the regular year. Some summer services are available through other agencies and the local university.
OKLAHOMA	Putnam City Public Schools 1,693	LEA	S	X		36 students served; 2% of the special education population served. MH (36)	ESY program essentially extends the regular school program, but places more of an emphasis on recreational activities, and runs for half days in morning and afternoon sessions. Older students have option of attending both sessions. PT and speech are provided; transportation is not. Criteria: Eligibility based on IEP.
PENNSYLVANIA	Bucks Co. Intermediate Unit #22 15,000	IEU	USR	X		91 students served; .6% of the special education population. SP/MR (75) PH (3) SED (10) MH (3)	ESY program has the following characteristics: Itinerant services in institution - (40 children) In home - (21 children) In class - (3 children) Itinerant services at camp - (27 children) 6 week session; 1/2 day program for children served in class; 1 hour/day for 3-4 days a week for all other children. All children received instruction and 2 also received PT. Criteria: Armstrong v. Kline (regression/recoupment)

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
PENNSYLVANIA	Northwest Tri-Co. IU #5 9,110	IEU	USR	X		63 students served; .7% of the special education population. SMR (17) SED (5) SMH (41)	ESY program has the following characteristics: 25% served in home 75% provided classroom services 75% receive speech and/or PT 1% receive recreation therapy Transportation provided to 75% Criteria: Armstrong v. Kline (regression/ recoupment)
	Central Susquehanna IU #16 6,365	IEU	R	X		Mentally Retarded (Severe/profound, Trainable), Physically Handicapped, Developmental, Multi-Handicapped, Socially/Emotionally Disturbed, Physically Handicapped	A six week center-based program of instruction was provided to fifty-four qualifying students. Two locations had programs Monday through Thursday—five hours a day. One program provide instruction on a half day basis, Monday through Thursday. Criteria: Armstrong v. Kline (regression/ recoupment)
	Montgomery Co. IU #23 6,400	IEU	S	X		41 students served, .6% of the special education population. S/PMR (7) TMR (4) LD (16) ED/BI (10) MH (1) SED (3)	ESY services provided in a range of settings including home (11 students, 3-10 hours/week, 6-8 weeks), classroom (15 hours/week, 6-8 weeks), and approved private school (part time to full time, 6-8 weeks). Related services offered including OT, PT and speech where appropriate. Criteria: Armstrong v. Kline (regression/ recoupment)

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
PENNSYLVANIA	Lancaster-Lebanon IU #13 6,600	IEU	USR	X		22 students served; .3% of special education population. SMR (12) SED (4) PH (1) LD (1) SMH (3) Deaf (1)	ESY program has the followng characteristics: 75% served through home instruction. 25% served in camp setting. Part day sessions for 6 weeks. Most students received instruction while fewer than 25% received related services. Criteria – Armstrong v. Kline (regression/ recoupment)
	Allegheny IU #3 12,000	IEU	S	X		234 students served; 2% of the special education population. S/PMR (82) SED (79) TMR (32) PH (21) MI (7)	ESY services provided to severely handicapped children in settings including public school classrooms, approved private settings, and special in home programs. Program duration is 4 weeks, 4 days per week, 1/2 day per day. Criteria – school district referral; IEP; regression/recoupment capabilities
	Berks Co. IU #14 6,569 (includes gifted)	IEU	USR	X		72 students served; 1% of the special education populations. SMR (98%) SED (2%)	ESY services provided in classroom settings and run for 8 weeks, half days. Criteria: Armstrong v. Kline (regression/ recoupment)

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
PENNSYLVANIA	ARIN IU #28 3,319	IEU	R	X		20 students served; .6% of the special education population. SMR (15) Deaf/Blind (3) SED (1) Deaf (1)	ESY services provided in a variety of settings, including home, other agency and residential programs. ESY program for 1981-82 was part-time, and ran for 4 weeks from 1 to 10 hours weekly. The residential program was full time for 12 months. Most students received instruction only; students in other agency settings received speech and PT on an itinerant basis where needed. Criteria: Armstrong v. Kline (regression/ recoupment)
	Blast IU #17 5,500	IEU	R	X		10 students served; .2% of the special education population.	ESY program had the following characteristics: 10% served in home. 90% served in class. Part day, 2 months in summer. All children received instruction, and 10% also received related services. Criteria: Armstrong v. Kline (regression/ recoupment)
SOUTH CAROLINA	Sumter School District #17 1,269	LEA	R		X	Mildly handicapped students may attend academically oriented tuition summer programs available to all students.	To date there has been no demand for ESY services; the district would consider ESY on an individual basis for severely handicapped students under strict interpretation of regressi without recoupment under Armstrong v. Kline.
TEXAS	Dallas Independent School District 11,262	LEA	U	X		176 students served, 2% of the special education population. TMR (100) VI (30) Autistic (5-10) Preschool (36)	ESY program varies depending on the handicapping condition. TMR students age 18 and over are provided a full day work experience program. The visually impaired receive an enrichment program which operates full days for 6 weeks and focuses on independent living skills. The autistic program provides assessment for 90 students, with intervention for 5-10. The preschool program runs 4 weeks for 2 1/2 hours/day, and provides assessment and intervention services. Criteria: Programs are open to all children in each classification currently served.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
TEXAS	Houston Independent School District 20,732	LEA	U	X		489 students served; over 2% of the special education population. SPH (208) Hospital/home bound (119) Other/tuition (162)	Several ESY programs are offered including services to hospitalized and home bound students, extension of school year services, and tuition-based programs for students whose IEP does not specify the need for ESY services. For SPH students, the ESY program provides classroom instruction. Each child's program is designed to meet IEP objectives; therefore, all support and instructional services specified in IEP are available. Criteria: IEP committee determines eligibility for SPH and hospital/home bound children.
UTAH	Carbon School District 583	LEA	R	X		SMH (33%)	ESY program for SMH was offered for the first time in 1983 and ran 2 full days/week for 8 weeks within public school buildings. The program's orientation is basically academic in nature and extends the regular school year program. All related services are available if needed. Criteria: Judgment of the IEP team based on regression/recoupment guidelines provided by the SEA.
	Jordan School District 4,507	LEA	US	X		SMH 37 students served; .8% of the special education population.) SMH – (37)	ESY Program for SMH students was offered for a si week period, three hours per day. Program orientation was basically "maintenance" in nature and provided services and programs for individual students experiencing significant regression in basic behavior patterns or skills related to self-sufficiency as outlined by the Utah State Office of Education (USOE) ESY Guidelines. Criteria: SMH student must demonstrate regressio caused by an interruption in educational programming together with limited recoupment capacity. Recoupment period based on 5-40 instructional days as outlined in USOE ESY Guidelines. Eligibility decision made by IEP Team.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
WASHINGTON	Bellingham School District 585	LEA	SR		X	No children served.	There have been no requests for ESY services.
	Spokane School District #81 2,450	LEA	U		X	No children served.	There has been no demand for ESY services.
WEST VIRGINIA	Jeffersen County Bd. of Education 550	LEA	R	X		5 students served; .9% of the special education population. MH (2) TMR (2) PH (1)	ESY program has the following characteristics: TMR students served at home. Services were provided on a part day basis, although services can be provided on a full day basis if needed by the child. Others received physical therapy only, at a local hospital. Criteria: Regression without recoupment which interferes with the goal of achieving independence and self-sufficiency. No standard criteria on limited recoupment have been established. Eligibility decision is made by PAC team and recorded on IEP.
	Pendleton County Schools 290	LEA	R	X		15 students served; 5% of the special education population. Moderate/Severe LD (8) EMR (4) SMH (3)	ESY program runs half day for 2 months and provides instructional and speech services. Criteria: parental request and decision of PAC team.

STATE	DISTRICT/ SPECIAL EDUCATION POPULATION	AGENCY		ESY OFFERED		CATEGORIES SERVED	SERVICE DELIVERY AND CRITERIA
		TYPE	AREA	YES	NO		
WISCONSIN	Milwaukee Public Schools 7,348	LEA	U	X		1,837 students served; 25% of the special education population. All categories.	Enrichment programming is available to all handicapped and nonhandicapped children. The program is provided at no cost for parents with enrollment voluntary. Criteria: All students who meet the state exceptional education eligibility criteria are eligible to attend summer school. Summer school is on a strictly voluntary basis and provides only enrichment activities.

APPENDIX A

ARMSTRONG V. KLINE: STANDARD ESTABLISHED FOR DETERMINING ELIGIBILITY BY THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

(Excerpted from Remedial Order #2, 9/5/79)

"For the purposes of this Order, a handicapped student shall be deemed to require an education program in excess of 180 days per year if he/she meets the following standard:

> A handicapped student is entitled to an education program in excess of 180 days per year if regression caused by an interruption in educational programming, together with the student's limited recoupment capacity, renders it impossible or unlikely that the student will attain the level of self-sufficiency and independence from caretakers that the student would otherwise be expected to reach in view of his/her handicapping condition."

FACSIMILE

GUIDELINES FOR IDENTIFYING SCHOOL-AGED PERSONS IN NEED OF EDUCATION PROGRAMMING IN EXCESS OF 180 DAYS PER YEAR

I. INTRODUCTION

In June, 1979, the federal District Court for the Eastern District of Pennsylvania issued a decision in the class action lawsuit, *Armstrong v. Kline*. The Court ruled that certain handicapped students require a continuous program of special education and related services in excess of the normal 180 day school year and that any handicapped student who requires such a program is entitled to receive it from the Department of Education and their local school district without cost of other financial liability.

The *Armstrong* Court held that, under federal law, each handicapped student in the Commonwealth is entitled to receive a "free appropriate public education," and recognized that, to have meaningful access to a public education, handicapped children may require services or types of educational programs which are different from those needed by their non-handicapped peers. Moreover, the Court found that each handicapped child is an individual with unique problems and individual learning characteristics. With these factors in mind, the Court held that a "free appropriate public education" for certain handicapped students necessitates *a program of special education and related services* in excess of 180 days per year.

The Court found that handicapped children, like their non-handicapped peers, are educated with certain objectives in mind, and it is towards these goals that educational programming is directed. While goals or objectives may differ depending on the child and the nature and severity of his/her handicapping condition, an "appropriate program of special education and related services" must, in all instances, at minimum, be *directed towards and the attainment of self-sufficiency, independence from caretakers, and avoidance of institutionalization*.

Therefore, to comply with the Court Order and to assure uniformity in decision making, the following guidelines have been developed and are intended for use by school district, intermediate unit, and Department of Education special education officials, parents and other IEP team members, and special education hearing officers who are involved with determining which handicapped students are in need of continuous programs of special education and related services in excess of the normal 180 day school year, and the type and length of programs required. Any handicapped student who requires such a program is entitled to receive it without cost, and *the need for and description of the program must be contained in the student's IEP*.

II. STANDARD TO BE APPLIED IN DETERMINING WHICH CHILDREN REQUIRE PROGRAMMING IN EXCESS OF 180 DAYS PER YEAR

Some handicapped children are particularly vulnerable to interruptions in their special educational programs, and will show a sharp decline or regression in their learning and development if those programs are interrupted. *"Learning" for handicapped children includes the acquisition of self-help, academic, socialization, and vocational skills, behaviors which foster the learning experience*. Certain of these "vulnerable" children cannot easily regain or recoup their educational losses if their programs are interrupted.

Since each handicapped child learns differently, progresses, regresses and recoups at different rates and has a different capacity to obtain self-sufficiency, it is not possible to set down any absolute rules which automatically dictate that all children with a particular handicap or IQ level have a need for continuous programming in excess of 180 days per year; rather, this decision, as well a determination regarding the amount of programming required, must be made on an individual basis. However, in analyzing the various factors which are relevant to determining a handicapped child's needs and deciding whether he/she requires educational programming in excess of 180 days per year, the following is the standard which must be applied:

> A handicapped student is entitled to an education program in excess of 180 days per year if regression caused by interruption in educational programming, together with the student's limited recoupment capacity, render it impossible of self-sufficiency and independence from caretakers that the student would otherwise be expected to reach in view of his/her handicapping condition.

III. FACTORS WHICH ARE RELEVANT TO DETERMINING WHETHER A HANDICAPPED STUDENT REQUIRES EDUCATIONAL PROGRAMMING IN EXCESS OF 180 DAYS PER YEAR AND THE TYPE OF PROGRAMMING

As was stated above, the determination as to whether a child requires educational programming in excess of the normal school year must be made on an individual basis. However, there are certain characteristics or factors which alone or in combination make it more likely that a child will meet the standard described above and thus need such programming.

Some of these factors are as follows:

1. Nature of Handicapping Condition

Although children who meet the above standard may have any handicapping condition or combination of handicapping conditions, children with certain disabilities, which require consistent, highly structured programs may be predisposed to regression when their programs are interrupted. These same children may also have limited recoupment capacity. Such handicapping conditions include childhood autism, severe emotional disturbance, severe or profound mental retardation, degenerative impairments with mental involvement, and severe multiple handicaps. As part of the annual IEP review process of each child who has been diagnosed or described as having one of the above impairments, the IEP team shall consider the child's need for continuous educational programming in excess of 180 days per year.

2. Severity of Handicapping Condition

Although such "vulnerable" children with limited recoupment capacity can exist among the more moderately impaired, they are more likely to be among the more severely handicapped. The most severely emotionally disturbed children, for example, are more likely to revert to lower functioning levels or to exhibit inappropriate behaviors, such as extreme withdrawal, anxiety reactions, or fetishes which seriously interfere with learning, when their program is interrupted. For many of these children, each successive interruption in programming and consequential regression also reduces the child's motivation and trust and may lead to an irreversible withdrawal from the learning process. Severely or profoundly retarded children are more likely to have limited relearning capacity. Finally, these severely impaired students are most likely to have difficulty attaining the goals of self-sufficiency and independance from caretakers, and to need additional help and support to reach those goals.

3. Areas of Learning

Just as every child learns, regresses, and recoups at different rates, he/she may also learn, regress, or recoup certain skills or behaviors at different rates than othres. Certain skills or behaviors are particularly essential to meeting the goals of self-sufficiency. For example, basic self-help skills, such as toileting or eating, are essential for minimal independence; the development of stable relationships, impulse control and appropriate peer interaction is necessary for community living. Therefore, if a child would suffer a significant regression/recoupment loss in a skill or behavior which is particularly crucial to reaching the goals of self-sufficiency and independence from caretakers, the child requires continuous education programming in that skill or behavior area.

Another relevant factor is the extent to which the child has mastered and consolidated an important skill or behavior at the point when the program is broken since behaviors or skills which have not yet been generalized, mastered, and consolidated are more easily lost, a child is more likely to regress in that skill or behavior area if his/her programming is interrupted before mastery and consolidation have been achieved.

4. Capacity of Parent or Guardian to Monitor Programming and Prevent Regression

A parent or guardian may be unable to maintain a child's level during a break in programming because of the complexity of the program, time constraints, lack of expertise, or other reasonable reasons, and this factor is relevant to whether a child can be expected to regress. Also relevant to a parent's ability to maintain skills during interruptions in programming is the child's stage of mastery of crucial skills or behavioral controls as of the point of the interruption in programming.

Where appropriate, school districts and/or intermediate units should consider offering parent training programs to help parents attempt to maintain their child's level during breaks in programming. School districts and intermediate units should also consider offering the provision of support services in the home, either directly or in cooperation with the Department of Public Welfare or Office of Mental Health/Mental Retardation, if such services will prevent the child's regression during a break in programming. School districts and intermediate units are free to utilize the resources of other public or private agencies in order to meet the child's needs, so long as there is no cost or financial liability to the child's parents or guardians.

5. Extent of Regression or Recoupment

Again, there is no precise measure of the amount of time which, if lost through the regression and limited recoupment characteristics of a child, necessarily dictates that the child receive education programming in excess of 180 days per year.

IV. TYPE OF LENGTH OF PROGRAM REQUIRED

As with the determination of need for programming in excess of 180 days per year, the type and length of the program which a child requires must also be made on an individual basis. Certain children are unable to sustain more than a minimal number of short breaks in their program without suffering severe regression and disruption in their learning process. These children require a consistent program of special education and related services on a year round basis which does not significantly differ during the summer months from that provided during the normal school year.

Other children can sustain short breaks, such as weekends or the traditional one week winter or spring vacation, without significant losses, and may only have a regression/recoupment problem when their program is interrupted for a longer period of time. Such a child requires a year round continuous program of special education and related services which is designed to maintain the child's level in those skill and behavior areas identified as crucial if the child is to reach his/her goals of self-sufficiency and independence.

It should be remembered that most handicapped children, like their non-handicapped peers, will benefit from school vacations; breaks in formal programming allow most children to generalize into their natural environment the skills and behaviors learned in school. Further, for most children, "learning" takes place outside the formal school environment as well. For children who severely regress during a break in programming and have limited recoupment capacity, however, the break in programming is detrimental rather than beneficial to the overall learning process and the achievement of the goals of self-sufficiency and independence from caretakers.

The length beyond 180 days per year of a child's education program should be, at minimum, the amount of time necessary to provide the child a meaningful opportunity to achieve his/her goals with respect to self-sufficiency and independence from caretakers. The program itself should be consistent with the child's IEP and provide all programs and related services necessary to meet those goals.

V. SOURCE OF INFORMATION FOR DETERMINATION

Reliable sources of information regarding a child's educational needs, propensity to regress, recoupment potential, and capacity for achieving self-sufficiency include the following:

1. Experience of persons who work with the child, such as teachers, parents, and therapists;

2. Empirical data, if any, maintained on the child, including pre- and post-test IEP data;

3. Medical, psychological, or educational records of the child from public and private sources;

4. Prognosis or opinions of educators, medical personnel, parents, and others who work with the child.

An actual experience of severe regression with significant recoupment time, particularly in the context of a formal special education program, is not necessary in order to establish that a child requires continuous programming in excess of 180 days per year. Such a prognosis can be made based on the type of data described above if it appears that the child demonstrates one or more of the factors or characteristics described in §III above.

VI. CONCLUSION

After consideration of the factors and characteristics set out in §III, the relevant personnel shall determine whether the child requires a continuous program in excess of 180 days per year and, if so, the type and length of the program required. Such a determination, like other special education decisions, must be based on the individual child's unique needs. Since a child's needs may change over time, a determination that a child requires continuous programming does not remain fixed for his/her entire education career. Likewise, the initial decision may be that the child does not require such programming, but if later experience with the child in fact leads to a contrary conclusion, the child's IEP should be revised accordingly.

REFERENCES

Abordo, E.J., *Evaluation report, Summer program of reading and mathematics for handicapped pupils in special education classes. Summer 1975.* Bureau of Elementary and Secondary Education, U.S. Office of Education, Department of Health, Education and Welfare, Washington, D.C., 1977.

Baken, J.W., Inservice teacher training in a summer program for severly handicapped children: A summer can make the difference. *Rehabilitation Literature,* 1976, 37(3), 74-77.

Beggs, D.L., and Hieronymus, O.N., Uniformity of growth in the basic skills throughout the school year and during the summer. *Journal of Educational Measurement,* 1968, 5(2), 91-97.

Behrens, T.R., *Final report, Demonstration project for the initiation of summer curriculum with special emphasis upon language acceleration for hearing impaired children.* Bureau of Education for the Handicapped, U.S. Office of Education, Department of Health, Education and Welfare. Washington D.C., 1967.

Board of Education of the Hendrich Hudson Central School District, Westchester County v. Rowley, U.S. 102 S. Ct. 3034, 73 L.Ed. 2d. 690 (1982).

Breuchner, L.J. and Distad, H.W. The effect of summer vacation on the reading ability of first grade children. *Elementary School Journal*, 1924, *24*, 698-707.

Breune, E., Effect of summer vacation on the achievement of pupils in the 4th, 5th and 6th grades. *Educational Research*, 1928, *18*, 309-314.

Brown, L.F., and Andrews, J.B., *Status report, A summer school outdoor educational program for culturally disadvantaged educable mentally retared children.* U.S. Office of Education, Department of Health, Education and Welfare. Washington, D.C., 1968.

Chorost, S.B., *Evaulation report, Summer program for reading and mathematics for handicapped pupils in special education classes (DSEPPS) severely emotionally handicapped, hearing impaired, multiply handicapped, preplacement. Summer 1975.* Bureau of Elementary and Secondary Education, U.S. Office of Education, Department of Health, Education and Welfare. Washington, D.C., 1975.

Cook, R.C., Vacation retention of fundamentals by primary grade pupils. *Elementary School Journal*, 1942, *43*, 214-216.

Cone, T.E., *Extended Year Program Task Force Report*. State of Iowa, Department of Public Instruction, Des Moines, 1984.

Elder, H.E., The effect of summer vacation on silent reading ability in the intermediate grades. *Elementary School Journal*, 1927, *27*, 541-546.

Ellis, R.S., *Evaluation report, Summer education program for neurologically and physically handicapped children. Summer 1975.* Bureau of Education of the Handicapped, U.S. Office of Education, Department of Health, Education and Welfare. Washington, D.C., 1975.

Fox, D.J., Wright, F., and Goldstein, L., *Summer 1967 clinics for speech handicapped children. Evaluation of New York Title I education projects 1966-67*. New York City Board of Education, Brooklyn, N.Y., 1967.

Fredericks, H.D., Anderson, R., Baldwin, V.L., Grove, D., Moore, W. and Beaird, J., *The Identification of Competencies of Teachers of the Severely Handicapped*. Monmouth, Oregon: Teaching Research Division, Oregon State Agency for Higher Education, 1978. (Project report).

Gilderman, D. and Whitney, M.A., *The Extended School Year Resource Guide: Part I.* Educational Service District #121. August, 1984.

Hourcase, J., *Effect of a summer camp program on self-concept of mentally retarded young adults*. Paper presented at the Annual International Convention, The Council for Exceptional Children, Atlanta, Georgia, April 1977. (ERIC Document Reproduction Service No. ED 139144).

Irmina, Sister, M., The effect of summer vacation on the retention of the elementary school subject. Catholic University American Education Researach Bulletin, 1928, 3, 99.

Joiner, L.M., Lodato, F.I., and Stillman, M., Mentally retarded trainable children and educable pupils, Final Report. New York: Teaching and Learning Research Corp., 1972.

Keyes, N., and Lawson, J.V., Summer vs. winter gains in school achievement, *School and Society*, 1937, *46*, 541-544.

Kohlberg, O.W., A study of summer time forgetting. *Elementary School Journal*, 1934, *35*, 281-287.

Magliocca, L.O. and Barker, H., *Research Review and Recommendations Regarding Extended School Year Programming for Handicapped Pupils*. Midwest Regional Resource Center, August, 1981.

McMahon, J., Extended school year programs. *Exceptional Children*, February, 1983, 457-460.

Miller, M.B., *Evaluation report, summer program of reading and mathematics for handicapped pupils in special education classes: Speech/language impaired pupils and mentally retarded pupils. Summer 1975*. Bureau of Elementary and Secondary Education, U.S. Office of Education, Department of Health, Education and Welfare. Washington, D.C., 1975.

Minton, J., *Summer 1976 program for deaf children: Evaluation report for period of July 2-August 13, 1976*. Bureau of Elementary and Secondary Education, U.S. Office of Education, Department of Health, Education and Welfare. Washington, D.C., 1976.

Morrison, J.C., Effect of summer vacations on learning. *Ohio State University Educational Research Bulletin*. 1924, *3*, 245-249.

Parsley, K.M., and Powell, M., Achievement gains or losses during the academic year and over the summer vacation period: A study of trends in achievement by sex and grade level amoung students of average intelligence. *Genetic Psychology Monographs*, 1962, 285-342.

Polansky, D.W., A model summer employment program for deaf youth. *American Annals of the Deaf*, 1979, *24*, (4), 450-457.

Reigel, R.H., and Taylor, A.M., *Strategies in the classroom: A summer remedial program for young handicapped children*. Bureau of Education for the Handicapped, U.S. office of Education, Department of Health, Education and Welfare. Washington, D.C., 1973.

Rettig v. Kent City School District 539 F Supp. 768 (1981).

Ross, D.A., *A two year comparative study of multiply-handicapped students who did and did not attend six-week summer school programs*. Multnomah County Education Service District. Portland, Oregon, 1982.

Schrepel, M., and Laslett, H.R., On the loss of knowledge by junior high school pupils over summer vacation. *Educational Psychology*, 1936, 299-303.

Slenkovoich, J.E., *Understanding Special Education Law, Volume I.* Cupertino, CA: Kinghorn Press, Inc. 1984.

Soar, R.S., and Soar, R.M., Pupil subject matter growth during summer vacation. *Educational Leadership* (Research Suplement), 1969, *2* (4), 577-587.

Spivack, F., and Kosky, E., *Socially maladjusted and emotionally disturbed children: Summer 1972 final report.* New York: Teaching and Learning Research Corp., 1972.

Starkovich, P., *Final report, two-year study of Northwest Regional Center's summer sessions for preschool, rubella, deaf-blind children.* Bureau of Education for the Handicapped, U.S. Office of Education, Department of Health, Education and Welfare. Washington, D.C., 1972.

Summary of Local Extended School Year Program/Practices. Project Forum National Association of State Directors of Special Education. Washington D.C., Februrary 1983.

Taylor, A.P. and Pollock, B.E., A structured program of learning for moderately retarded deaf adults. *Volta Review*, 1968, *70*, 114-117.

Tiedeman, H.R., A study of retention of classroom learning. *Educational Research*, 1948, *41*, 516-531.

Turner, K., Clarification of views on extended school year testimony: Keith Turner responds. *Tash Newsletter*, June, 1983.

Whitney, M.A. An Extended School Year for the Handicapped. *FOCUS: A Review of Special Education and the Law*, Vol. 4, No. 1, June, 1984.

Yaris v. Special School District of St. Louis County, 558 F. Supp. 523 (D.Mo., 1983).